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# MISSISSIPPI

## ADVANCE SHEETS

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2013 Legislative Session  
General Laws



LexisNexis





**MISSISSIPPI  
GENERAL LAWS  
ADVANCE SHEETS  
2013**

**Regular Session**

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## PREFACE

### **Contents; publication schedule.**

The 2013 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated*, and consist of a series of pamphlets issued during the 2013 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2013 Regular and 1st Extraordinary Sessions. This pamphlet, the second in the series, contains the second 77 general bills signed by the Governor. The third pamphlets will contain the remainder of the acts from the 2013 Regular and 1st Extraordinary Sessions. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

### **Summary of acts; tables; index.**

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 2 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code* ;
- a comprehensive, cumulative **Index** , with headings based on the headings that are used in the general index to the *Code*.

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the *Code*;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act

## PREFACE

summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  - "VRA" = Voting Rights Act
  - "App. Req." = Approval Required
- Under the heading "Code Sections"
  - "A" = Amended
  - "R" = Reenacted
  - "RA" = Reenacted and Amended
  - "RP" = Repealed
  - "BF" = Brought Forward

### **Treatment of acts in the Advance Sheets.**

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (\* \* \*) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

### **Treatment of acts in *Mississippi Code of 1972 Annotated*.**

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2013 Legislative Session.

## PREFACE

Any such changes will be reflected in the 2013 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

### **Information, suggestions, comments, and questions.**

Visit the LexisNexis website at <http://www.lexisnexus.com> to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at [customer.support@bender.com](mailto:customer.support@bender.com), or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

July 2013

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# LEGISLATIVE SUMMARIES

of important legislation enacted during

## 2013 Legislative Session of the State of Mississippi

### ACUPUNCTURISTS

Act requires criminal background checks for license applicants and extends the repeal date for the acupuncture practice act. **HB 1162**

### ADOPTION

Act authorizes an income tax credit for qualified adoption expenses. **SB 2833**

### AIRPORTS

Act clarifies the venue for prosecution of offenses committed on airport authority property. **HB 279**

### ALCOHOLIC BEVERAGES

Act authorizes tasting or sampling offered by a holder of a distiller's permit on the premises of the distillery. **HB 1300**

Act authorizes persons to make and transport homemade beer in certain circumstances. **SB 2183**

### AUCTIONEERS

Act reenacts and extends the repeal date for the auctioneers license act. **HB 1165**

### BAIL AND RECOGNIZANCE

Act provides that a felony warrant issued for nonappearance be entered into the NCIC. **HB 714**

Act provides that execution on a final judgment of forfeiture be stayed and forfeiture set aside if defendant appears during stay. **HB 714**

Act requires an examination of applicants for a soliciting bail agent or bail enforcement agent. **HB 749**

### BANKS AND BANKING

Act requires that limitations on loans and extensions of credit to a single borrower take credit exposure from derivative transactions into consideration. **SB 2194**

## LEGISLATIVE SUMMARIES

### BOND ISSUES

Act provides that, when an expenditure of state funds involves bond proceeds, the searchable website must provide detailed information on the projects and payment on the bonds. **HB 478**

### BUDGETS

Act provides for the transfer of funds to the budget contingency fund from the motor vehicle ad valorem tax reduction fund. **HB 20**

### CHECK CASHERS ACT

Act provides for the repeal and reenactment of check cashers act. **HB 559**

### CHILD ABUSE AND NEGLECT

Act enacts the Lonnie Smith act, revising the offense of felonious child abuse. **HB 1259**

### CHILD DEATH REVIEW PANEL

Act revises the membership for the panel and extends the repeal date for the panel. **HB 125**

### CHILD PORNOGRAPHY

Act clarifies the state of mind required to constitute a knowing violation of the provision. **SB 2197**

### CHILD SUPPORT

Act eliminates the requirement that the department of human services file an administrative income withholding notice with the court. **SB 2210**

Act provides that the child support guidelines are presumed to be reasonable where the adjusted gross income is between \$10,000 and \$100,000. **SB 2338**

### CIGARETTES AND TOBACCO PRODUCTS

Act prohibits the distribution of alternative nicotine products to minors. **HB 613**

### COLLEGES AND UNIVERSITIES

Act revises the course work requirements for recipients of tuition assistance grants. **HB 425**

Act authorizes higher education courses in gaming management and casino hospitality services. **SB 2499**

Act to amend the proprietary school and college registration law regarding definitions, the community college board, and students' right to file a complaint with the commission and recruitment provisions. **SB 2786**



## LEGISLATIVE SUMMARIES

### COMMERCIAL CODE

Act directs the secretary of state to publish the secured transactions chapter in print or online. **HB 85**

Act provides for the refusal or termination of false filings under the secured transactions chapter. **HB 1008**

Act implements various revisions and transitional provisions regarding perfection of interests and filing of statements. **SB 2609**

### COMMUNITY AND JUNIOR COLLEGES

Act allows for the waiver of out-of-state tuition for nonresident students working for local businesses who will reimburse the college for the tuition. **HB 317**

### COMPUTER FRAUD

Act defines computer networks to include the Internet for purposes of computer fraud. **HB 686**

### CONCEALED WEAPONS

Act clarifies the definition of “concealed” and the general requirements for a license to carry concealed weapons. **HB 2**

Act exempts information about a licensee from the public records act. **HB 485**

### CONVEYANCE SAFETY ACT

Act enacts minimum standards for conveyance personnel and services. **HB 817**

### CORPORATIONS

Act corrects internal references to the model business corporation act and repeals a provision regarding changing the corporate form of a cooperative association. **SB 2684**

### COUNTIES

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141**

Act prohibits certain convicted persons from serving on executive committees, and directs the county executive committee chairman to publish a call for a meeting. **HB 275**

Act authorizes localities to dispose of surplus property through a public auction. **HB 394**

## LEGISLATIVE SUMMARIES

Act sets out the procedures to challenge the qualifications of candidates for county election commissioner. **HB 533**

Act revises the qualifications for the county fire services coordinator. **HB 921**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326**

Act authorizes charitable donations by the county to the YMCA. **HB 1515**

Act revises the time for a county to apply for designation as a redevelopment county under the economic redevelopment act. **SB 2147**

Act prohibits additional charges for payment of court costs by electronic methods. **SB 2447**

### COUNTY COURTS

Act provides that the county court has jurisdiction over matters assigned to it by a judge of the circuit court within the same district. **HB 142**

Act authorizes boards of supervisors to establish county courts. **HB 943**

### CRIMINAL FORFEITURES

Act provides for substitute notice of intended forfeitures under the controlled substance law by posting notice on a state government forfeiture website. **HB 240**

### DEBT MANAGEMENT SERVICES

Act reenacts the debt management services act to extend the repeal date. **SB 2557**

### DENTISTRY

Act enacts the rural dentists scholarship program. **HB 776**

### DEVELOPMENT AUTHORITY

Act creates the job training grant fund and clarifies eligibility of grant recipients for certain tax credits. **HB 117**

Act revises the time for the authority to make incentive payments under the economic redevelopment act. **SB 2147**

### DOMESTIC VIOLENCE

Act clarifies the membership for the domestic violence task force. **SB 2631**

## LEGISLATIVE SUMMARIES

### DRIVERS' LICENSES

Act provides that an administrative suspension for driving under the influence of a drivers' license results in a one-year disqualification for a commercial drivers' license. **HB 90**

Act provides for ignition-interlock-restricted drivers' licenses. **HB 481**

### DRIVING UNDER THE INFLUENCE

Act provides for ignition-interlock-restricted drivers' licenses and the potential for nonadjudication and expungement of first offenses. **HB 481**

### DRUGS AND CONTROLLED SUBSTANCES

Act provides for substitute notice of intended forfeitures under the controlled substance law by posting notice on a state government forfeiture website. **HB 240**

Act revises Schedule III of controlled substances to include anabolic steroids methasterone and prostanazol. **SB 2193**

### ECONOMIC DEVELOPMENT HIGHWAY ACT

Act removes the repeal date from the provision defining a high economic benefit project. **HB 922**

### ECONOMIC REDEVELOPMENT ACT

Act revises the time for incentive payments and for designation of locality as redevelopment area, and revises the definition of contaminated site to include brownfield sites. **SB 2147**

### ELECTIONS

Act sets out the procedures to challenge the qualifications of candidates for county election commissioner. **HB 533**

Act revises the procedure to designate a judge to hear election contests. **HB 649**

Act provides for per diem compensation of election commissioners. **SB 2238**

Act provides for mileage reimbursement for managers or clerks using a privately owned motor vehicle to carry out their election duties. **SB 2239**

Act clarifies the requirements for a county election commissioner to seek other office during the term of their elected position. **SB 2308**

Act provides compensation for a county election commissioner performing the duties of an executive committee during a primary election. **SB 2311**

## LEGISLATIVE SUMMARIES

### ELECTRONIC CIGARETTES

Act prohibits the distribution of alternative nicotine products to minors. **HB 613**

### ELECTRONICS RECYCLING

Act requires the department of environmental quality to maintain a list of certified electronic recyclers. **SB 2754**

### EMERGENCY MEDICAL SERVICES

Act provides for certification for EMT-paramedic critical care personnel. **SB 2202**

### EMERGENCY 911 TELEPHONE SERVICES

Act extends the repeal date on provisions regarding training of emergency telecommunicators. **HB 1080**

### EMERGING CROPS FUND

Act removes reversionary language in a provision in the fund that establishes a loan program for agribusinesses or greenhouse production horticultural enterprises. **SB 2436**

### EMPLOYMENT RELATIONS

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141**

### ENERGY

Act provides for a decreased sales tax rate for the sale of fuel to a producer of oil and gas used in enhanced oil recovery using carbon dioxide or the sequestration of carbon dioxide. **HB 841**

Act authorizes the public service commission to approve rate mitigation plans for newly constructed electric generating facilities. **HB 894**

### ENGINEERS

Act amends provisions regarding a stipend program for civil engineering students who agree to work at the department of transportation for a certain amount of time. **HB 373**

### FAIRGROUNDS COMPLEX

Act authorizes the fair commission to hire and designate law enforcement officers for the state fairgrounds complex. **HB 770**



## LEGISLATIVE SUMMARIES

Act provides that the department of finance and administration may have jurisdiction to administer, maintain and oversee security and law enforcement of the state fairgrounds complex. **HB 770**

### FARM TO SCHOOL PROGRAMS

Act creates the Interagency farm to school council to facilitate programs which promote the use of healthy, fresh food in school meals. **HB 718**

### FIREARMS AND OTHER WEAPONS

Act clarifies the definition of “concealed” and the general requirements for a license to carry concealed weapons. **HB 2**

Act exempts information about a licensee from the public records act. **HB 485**

Act allows the spouse of an officer killed in the line of duty to purchase that officer’s sidearm. **SB 2047**

Act provides for federal firearms reporting and a mechanism for a mental health patient to petition for relief from firearms disability after discharge from treatment. **SB 2647**

### FIRE MARSHAL

Act provides for arrest and certain police powers for the state chief deputy fire marshal and other deputy fire marshals. **HB 437**

### FISH AND GAME

Act authorizes the wildlife, fisheries and parks commission to provide hunting, fishing and recreational activities for wounded warriors. **HB 102**

Act revises the requirements for resident, noncommercial freshwater fishing and establishes July 4 as a free fishing day. **HB 1002**

Act authorizes the use of weapons on private lands during open season with primitive weapons. **HB 1139**

Act includes wild hog control as part of the beaver control program. **HB 1260**

Act authorizes bow hunting during any open season for deer, turkey or small game. **SB 2048**

Act requires fish products to identify country of origin on labels. **SB 2513**

Act requires shellfish sanitation education courses as a prerequisite to issuance of a commercial fishing license. **SB 2580**

## LEGISLATIVE SUMMARIES

### FOOD PRODUCT LABELING

Act prohibits the unlawful labeling of syrup products and provides for penalties for violations. **SB 2511**

Act requires fish products to identify country of origin on labels. **SB 2513**

Act exempts cottage food production operations from certain regulations. **SB 2553**

Act preempts local laws regarding consumer incentive items and nutrition labeling for food products. **SB 2687**

### GAMBLING

Act prohibits the operation of Internet sweepstakes cafes. **HB 974**

Act authorizes higher education courses in gaming management and casino hospitality services. **SB 2499**

### GRAND JURY

Act increases the number of grand jurors. **SB 2015**

### GUARDIAN AND WARD

Act creates a special general guardian, related to a minor who has no parent able to take responsibility for the minor. **SB 2375**

### HARBORS AND PORTS

Act regulates the liability of certain vessel pilots and maintains pilotage fees at reasonable amounts. **SB 2781**

### HEALTH DISCOUNT PLANS

Act removes the sunset date from the requirements for health discount plans. **SB 2232**

### HEALTH INSURANCE

Act prohibits policy provisions restricting an insurer from assigning benefits to health care provider, allows for insured to direct insurer to pay health care provider directly, and prohibits provider from billing the insured for the balance. **HB 374**

Act sets out requirements for risk-based capital of health insurers. **HB 534**

Act provides for coverage of telemedicine services by insurers. **SB 2209**

## LEGISLATIVE SUMMARIES

### HIGHWAYS

Act creates the Mississippi highway patrol fallen officers' memorial highway act, providing for designation of streets, and providing for signage and distinctive markers. **HB 225**

### HOME INSPECTOR REGULATORY BOARD

Act abolishes the board and transfers its functions to the real estate commission. **SB 2698**

### HOMELESS PERSONS

Act creates the interagency council on homelessness. **HB 482**

### HOMICIDE

Act creates the offense of child homicide and provides for maximum term of imprisonment. **SB 2255**

### HOSPITALS AND OTHER HEALTH FACILITIES

Act extends the repeal date on provisions authorizing group purchasing programs with other hospitals or mental health centers for supplies and equipment. **HB 1169**

### INFORMATION TECHNOLOGY SERVICES DEPARTMENT

Act authorizes the department to charge fees to vendors to recover the cost of providing procurement services. **HB 1132**

### INSURANCE

Act creates management requirements of domestic insurers subject to registration. **HB 534**

Act includes health insurers under risk-based capital provisions. **HB 534**

Act provides that a disclaimer of affiliation be deemed as granted unless the commissioner notifies otherwise. **HB 534**

Act provides that insurer documents and materials are confidential. **HB 534**

Act requires financial or market analysis of insurers. **HB 534**

Act revises certain notice and filing requirements. **HB 534**

Act revises the provisions pertaining to reciprocal insurance to allow additional entities to enter into contracts, and related provisions. **HB 748**

Act permits motor vehicle insurance card to be issued in paper or electronic form. **SB 2593**

## LEGISLATIVE SUMMARIES

Act increases the reward offered by the insurance commissioner for information concerning willful destruction of property by fire or explosion. **SB 2675**

### JAILS

Act sets out the amount municipalities may charge misdemeanor offenders for jail costs. **HB 80**

Act authorizes the department of corrections to contract with the Kemper-Neshoba county/regional facility to house male offenders. **HB 578**

### LAW ENFORCEMENT OFFICERS

Act authorizes the fair commission to hire and designate law enforcement officers for the state fairgrounds complex. **HB 770**

Act clarifies the amount of time a law enforcement trainee may be employed in a full-time capacity. **HB 1485**

Act allows the spouse of an officer killed in the line of duty to purchase that officer's sidearm. **SB 2047**

### LEAD-BASED PAINT

Act removes the opt-out provision for lead-based paint activities under the accreditation act. **SB 2688**

### LIVESTOCK

Act revises the criminal offense of theft of livestock. **HB 178**

### LONNIE SMITH ACT

Act revises the offense of felonious child abuse. **HB 1259**

### LOUISVILLE, CITY OF

Act creates a tax on the gross proceeds from hotel or motel room rentals, and creates a tourism economic advisory board. **HB 1595**

### MASSAGE THERAPISTS

Act revises provisions regarding qualifications of license applicants, requires display of licenses, exempts licensees from certain advertising restrictions, and revises provisions regarding accreditation of schools. **SB 2737**

### MEDICAL RADIATION TECHNOLOGY

Act revises the definition of limited x-ray machine operator and the number of members on the advisory council, extends the repealer date and requires documentation of continuing education. **HB 69**



## LEGISLATIVE SUMMARIES

### MENTAL HEALTH DEPARTMENT

Act allows for contracting for the transfer of beds to other entities more appropriate for persons with intellectual disabilities. **SB 2342**

### MILITARY AFFAIRS

Act authorizes children of military members to attend school in any district when the parents reside on a military base. **HB 879**

### MILK AND MILK PRODUCTS

Act relocates the fall dairy show held in Marion County to Lamar County. **HB 64**

### MISSISSIPPI HIGHWAY PATROL FALLEN OFFICERS' MEMORIAL HIGHWAY ACT

Act creates the Mississippi highway patrol fallen officers' memorial highway act, providing for designation of streets, and providing for signage and distinctive markers. **HB 225**

### MISSISSIPPI INDUSTRIES FOR THE BLIND

Act designates the members of the board of directors and deletes the requirement that salaries of the board be approved by the state personnel board. **HB 525**

### MISSISSIPPI STATE UNIVERSITY

Act provides for issuance of wireless devices to certain employees. **HB 508**

### MORTGAGES AND DEEDS OF TRUST

Act provides that a violation of the S.A.F.E. mortgage act exemption for a person financing no more than 10 residential units in one year does not affect the title or obligations of the purchaser/borrower under the terms of the loan. **HB 1233**

### MOTION PICTURE INCENTIVE ACT

Act includes computer and video games within the scope of the act, and provides for a rebate for employment of military veterans by production companies. **SB 2462**

### MOTOR VEHICLES AND TRAFFIC REGULATION

Act provides that fines resulting from automated traffic enforcement systems in other states will not be recognized unless the state is a member of the driver license compact. **HB 91**

Act clarifies that an electronic ticket filed under the uniform traffic ticket law is considered to be signed and sworn to by the law enforcement officer. **HB 1212**

## LEGISLATIVE SUMMARIES

Act repeals the requirement for a deposit of security for damages under the motor vehicle safety-responsibility act, and related provisions. **HB 1277**

Act authorizes the city of Pass Christian to allow the operation of low-speed vehicles and golf carts on public roads and streets. **HB 1675**

Act extends the repeal date regarding harvest permits for vehicles hauling certain products. **SB 2451**

Act revises the definition of off-road vehicle to certain include recreational vehicles. **SB 2457**

Act permits motor vehicle insurance card to be issued in paper or electronic form. **SB 2593**

### MUNICIPALITIES

Act sets out the amount municipalities may charge misdemeanor offenders for jail costs. **HB 80**

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141**

Act prohibits certain convicted persons from serving on executive committees, and directs the county executive committee chairman to publish a call for a meeting. **HB 275**

Act authorizes localities to dispose of surplus property through a public auction. **HB 394**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326**

Act authorizes charitable donations by the county to the YMCA and farmers' markets. **HB 1515**

Act authorizes prosecution for tampering with electric, gas or water meters that are located outside the boundaries of the municipality. **HB 1519**

Act revises the time to apply for designation as a redevelopment municipality under the economic redevelopment act. **SB 2147**

Act prohibits additional charges for payment of court costs by electronic methods. **SB 2447**

### OCCUPATIONAL LICENSING BOARDS

Act sets out provisions enabling licensing and certification for military members and their spouses. **SB 2419**

## LEGISLATIVE SUMMARIES

### PARKS AND RECREATION

Act authorizes the department of wildlife, fisheries and parks to contract with electric companies to maintain electrical infrastructure within state parks. **HB 524**

### PATERNITY PROCEEDINGS

Act changes an internal reference in a provision regarding jurisdiction over paternity proceedings to refer to the uniform interstate family support act. **HB 720**

### PERSONNEL ADMINISTRATION SYSTEM

Act revises the qualifications for the state personnel director to allow a juris doctor degree instead of an MBA. **SB 2074**

### PETROLEUM PRODUCTS

Act extends the repeal dates on inspection laws relating to definitions and violations of provisions. **HB 1161**

### PHYSICIAN ASSISTANTS

Act extends the repeal date on the provision authorizing a temporary license for an applicant lacking a master's degree. **HB 134**

### PHYSICIANS AND SURGEONS

Act authorizes telemedicine services, including treatment recommendations. **SB 2209**

### PORT AUTHORITY

Act extends the repeal date on provisions authorizing the state port authority to use design-build method of contracting. **HB 129**

### PRISONS AND PRISONERS

Act authorizes the incarceration of federal inmates at the Leflore county correctional facility. **SB 2547**

### PROPERTY TAXES

Act revises the provision regarding notice of a tax sale and expiration of the time for redemption. **SB 2111**

Act clarifies the date when the ad valorem tax exemption takes effect for licensed free port warehouses. **SB 2536**

Act excludes from the definition of home or homestead, for purposes of the homestead exemption, a lease for a person who is physically or mentally unable to care for themselves. **SB 2816**

## LEGISLATIVE SUMMARIES

Act extends the exemption for equipment sold to telecommunications companies used for deploying broadband technologies. **SB 2829**

### PUBLIC BUILDINGS

Act directs that rating systems to determine high performance environmental buildings are not to exclude credits for certified forest products. **HB 488**

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Act clarifies the procedures and options for investment of system funds. **HB 990**

Act excludes from the definition of earned compensation the value of maintenance or in-kind benefits provided to the employee. **HB 1174**

Act authorizes counties to pay contributions on the net fee income of county constables. **SB 2405**

### PUBLIC OFFICERS AND EMPLOYEES

Act requires state departments and officials to update Internet information about the agency or elected office. **HB 480**

### PUBLIC PURCHASING AND CONTRACTING

Act requires that a purchasing certification program be required of all purchasing officials at state agencies. **HB 502**

Act prohibits a surcharge against a buyer using a state-issued credit, procurement, travel or fuel card. **HB 964**

Act authorizes purchasing offices to the location of a bidder's local office and inventory as a factor in the best value calculation. **SB 2073**

### PUBLIC UTILITIES

Act authorizes the public service commission to approve rate mitigation plans for newly constructed electric generating facilities. **HB 894**

Act creates the public utility rate mitigation and reduction act. **HB 1134**

Act authorizes prosecution for tampering with electric, gas or water meters that are located outside the boundaries of the municipality. **HB 1519**

Act revises the exemption from the requirement of a certificate of convenience and necessity where more than one utility is operating within a municipality. **SB 2231**

Act reenacts certain sections relating to the public service commission to extend the repeal date. **SB 2567**



## LEGISLATIVE SUMMARIES

### PUBLIC WORKS CONTRACTS

Act sets out requirements for submission of an employment plan, certificate of compliance and hiring of in-state residents. **SB 2528**

### RECORDATION OF DOCUMENTS

Act provides for recordation of an affidavit of scrivener's error for typographical or minor errors in recorded instrument affecting title to real estate. **HB 928**

### RELOCATION ASSISTANCE

Act increases the amount of payments to entities displaced by government projects. **HB 436**

### RETAIL CONTRACTS

Act exempts certain vehicles from the repurchase of inventory upon termination of a contract. **HB 387**

### SALES AND USE TAX

Act provides for a decreased tax rate for the sale of fuel to a producer of oil and gas used in enhanced oil recovery using carbon dioxide or the sequestration of carbon dioxide. **HB 841**

Act sets out the timeline by which examination of tax returns must be completed, and provides for audit procedures. **HB 892**

Act authorizes a discount and retention of tax liability for compliance with local laws regarding the collection and payment of taxes. **HB 1285**

Act defines manufacture and manufacturing to include certain activities of scrap metal recyclers. **HB 1680**

Act includes cultural retail attractions in the sales tax incentive program for tourism projects. **SB 2806**

Act extends the exemption for equipment sold to telecommunications companies used for deploying broadband technologies. **SB 2829**

### SCHOLARSHIPS

Act revises the number of eligible students for the dyslexia education scholarship program. **HB 672**

### SCHOOLS AND EDUCATION

Act repeals provisions regarding filing of copies of bylaws and amendments under the compact for education. **HB 461**

## LEGISLATIVE SUMMARIES

Act creates the Interagency farm to school council to facilitate farm to school programs which promote the use of healthy, fresh food in school meals. **HB 718**

Act authorizes children of military members to attend school in any district when the parents reside on a military base. **HB 879**

Act provides for special elections for the filling of vacancies in districts under conservatorship where no school board members remain at the time of district reorganization. **HB 975**

Act enacts the Mississippi student religious liberties act of 2013. **SB 2633**

Act provides for special elections for the filling of vacancies in districts under conservatorship where no school board members remain at the time of district reorganization. **SB 2779**

### SECURED TRANSACTIONS

Act directs the secretary of state to publish the secured transactions chapter in print or online. **HB 85**

Act provides for the refusal or termination of false filings. **HB 1008**

Act implements various revisions and transitional provisions regarding perfection of interests and filing of statements. **SB 2609**

### SEED SALES

Act removes a requirement that quarterly reports be notarized, increases the fine for violations of provisions, and provides for administrative proceedings for violations. **HB 751**

### SOUTHERN ARTS AND ENTERTAINMENT CENTER

Act changes the name to the Mississippi arts and entertainment center. **HB 135**

### SPECIAL FUELS TAX

Act exempts fuel sold for use by a commercial airline for new interstate air service by a new carrier in the market. **SB 2847**

### STATE DEPARTMENTS AND AGENCIES

Act requires state departments and officials to update Internet information about the agency or elected office. **HB 480**

Act provides for issuance of wireless devices to certain employees of Mississippi State University. **HB 508**

Act requires that websites of state entities include a legislative update section on legislation affecting the powers or duties of that entity. **HB 1243**

## LEGISLATIVE SUMMARIES

Act requires the reporting of transactions for conveyances of real property to department of finance and administration. **HB 1265**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326**

Act requires notice of regular meetings to be posted on department website. **SB 2070**

### SYRUP PRODUCTS

Act prohibits the unlawful labeling of syrup products and provides for penalties for violations. **SB 2511**

### TAXATION

Act creates the job training grant fund and clarifies eligibility of grant recipients for certain tax credits. **HB 117**

Act sets out the timeline by which examination of tax returns must be completed. **HB 892**

Act creates a tax on the gross proceeds from hotel or motel room rentals in the city of Louisville. **HB 1595**

Act authorizes an income tax credit for qualified adoption expenses. **SB 2833**

### TELEMARKETERS

Act reenacts the telephone solicitation act to extend the repeal date. **SB 2787**

### TORT CLAIMS ACT

Act includes volunteer firefighters and fire departments within the scope of the act. **SB 2751**

### TRANSPORTATION COMMISSION

Act revises the threshold amount of projects which may use the design-build method of contracting. **HB 261**

Act authorizes the commission to receive funds for educational scholarships in transportation related fields of study. **HB 436**

### TRANSPORTATION DEPARTMENT

Act amends provisions regarding a stipend program for civil engineering students who agree to work at the department of transportation for a certain amount of time. **HB 373**

## LEGISLATIVE SUMMARIES

Act authorizes the department to transfer certain property in Perry county to the United States forest service. **SB 2418**

### UNEMPLOYMENT COMPENSATION

Act provides for general amendments regarding benefit eligibility and waiting period, administration of and amount of funds, setoffs against income tax refunds, and charges against employers for taxes and failure to respond to department requests. **HB 932**

### UNIVERSITY OF SOUTHERN MISSISSIPPI

Act authorizes the use of bond proceeds for the purchase of a vessel for the Gulf Coast research laboratory. **SB 2728**

Act provides for the sale of certain university property by the department of finance and administration. **SB 2811**

### URBAN FLOOD AND DRAINAGE CONTROL DISTRICTS

Act revises provisions regarding formation of a district, the powers of a district and the board of directors, requires compliance with state purchasing laws, and sets out procedures for issuance of revenue bonds. **SB 2674**

### VETERANS

Act authorizes the wildlife, fisheries and parks commission to provide hunting, fishing and recreational activities for wounded warriors. **HB 102**

### VICTIMS OF CRIME

Act sets out grounds for when crime victim compensation is not to be awarded. **HB 710**

### WATERS OF THE STATE

Act defines the boundaries of the territorial waters of the state. **HB 1072**

### WEIGHTS AND MEASURES

Act provides civil administrative penalties for violations of provisions. **HB 772**

### WILDLIFE, FISHERIES AND PARKS DEPARTMENT

Act provides for the transfer of real property from the department to the state veterans affairs board. **SB 2446**

### WIND

Act extends the repeal date regarding safety marking requirements for anemometer towers. **SB 2769**

## LEGISLATIVE SUMMARIES

### YOUTH COURT

Act defines financially able, for the purposes of obtaining a court-appointed attorney. **HB 1441**

Act provides for conformance to the rules of appellate procedure for appeals from the youth court to the supreme court. **SB 2076**





# CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
3-3-1	Amended		hb1072	1	1
7-3-57	Amended		hb0085	1	1
9-1-49	Added		sb2647	2	1
9-7-3	Amended		hb0142	2	1
9-9-21	Amended		hb0142	1	1
9-9-35	Amended		hb0142	3	1
9-9-37	Amended		hb0943	1	1
11-46-1	Amended		sb2751	1	1
11-46-17	Amended		sb2751	2	1
13-5-41	Amended		sb2015	1	2
17-25-1	Amended		sb2447	1	1
17-25-1	Amended		hb1326	1	2
17-25-25	Amended		hb0394	1	1
19-3-71	Amended		hb0921	1	1
19-5-73	Reenacted		hb1515	2	1
19-5-93	Amended		hb1515	1	1
19-5-353	Amended		hb1080	1	1
19-5-357	Amended		hb1080	2	1
19-7-5	Amended		hb0394	2	1
21-17-1	Amended		hb0394	3	1
21-19-67	Amended		hb1515	3	1
21-19-69	Reenacted		hb1515	4	1
21-23-7	Amended		hb0080	1	1
23-15-153	Amended		sb2238	1	1
23-15-153	Amended		sb2311	1	2
23-15-217	Amended		sb2308	1	2
23-15-227	Amended		sb2239	1	1
23-15-315	Amended		hb0275	2	1
23-15-951	Amended		hb0649	1	2
23-15-963	Amended		hb0533	1	1
25-9-119	Amended		sb2074	1	1
25-11-103	Amended		hb1174	1	1
25-11-106	Amended		sb2405	1	2
25-11-121	Amended		hb0990	1	2
25-11-123	Amended		sb2405	2	2
25-11-125	Amended		sb2405	3	2

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-15-9	Amended		sb2209	3	2
25-41-13	Amended		sb2070	1	1
25-53-29	Amended		hb1132	1	2
25-53-191	Amended		hb0508	2	2
25-61-11.1	Added		hb0485	1	1
27-7-22.32	Amended		sb2833	1	2
27-7-49	Amended		hb0892	1	2
27-7-313	Amended		hb0892	4	2
27-13-5	Amended		sb2684	1	1
27-13-7	Amended		sb2684	2	1
27-13-17	Amended		sb2684	3	1
27-13-49	Amended		hb0892	2	2
27-19-81	Amended		sb2451	1	2
27-31-53	Amended		sb2536	1	1
27-33-19	Amended		sb2816	1	1
27-43-3	Amended		sb2111	1	1
27-55-527	Amended		sb2847	1	1
27-65-11	Amended		hb1680	1	2
27-65-19	Amended		hb0841	1	1
27-65-33	Amended		hb1285	1	1
27-65-37	Amended		hb0892	6	2
27-65-42	Amended		hb0892	3	2
27-65-75	Amended		hb0117	3	2
27-65-101	Amended		sb2829	1	2
27-73-5	Amended		hb0892	5	2
27-104-33	Amended		hb1326	2	2
27-104-153	Reenacted		hb0478	2	1
27-104-155	Amended		hb0478	1	1
27-104-163	Added		sb2070	2	1
29-5-2	Amended		hb0770	2	1
29-5-77	Amended		hb0770	3	1
29-5-81	Amended		hb0770	4	1
31-5-37	Amended		sb2528	1	2
31-7-1	Amended		hb0502	1	1
31-7-9	Amended		hb0502	2	1
31-7-9	Amended		hb0964	1	1



## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
31-7-13	Amended		sb2073	1	1
31-7-13	Amended		hb0524	3	2
31-7-38	Amended		hb1169	1	2
31-11-35	Amended		hb0488	1	1
37-3-2	Amended		sb2419	3	1
37-5-19	Amended		hb0975	2	1
37-5-19	Amended		sb2779	2	1
37-7-207	Amended		hb0975	3	1
37-7-207	Amended		sb2779	3	1
37-15-29	Amended		hb0879	1	2
37-17-13	Amended		hb0975	1	1
37-17-13	Amended		sb2779	1	1
37-29-1	Amended		sb2499	4	1
37-29-63	Amended		sb2499	5	1
37-101-13	Amended		sb2499	3	1
37-101-292	Amended		hb0373	1	1
37-103-25	Amended		hb0317	1	2
37-113-20	Added		hb0508	1	2
37-135-11	Repealed		hb0461	1	1
37-135-13	Repealed		hb0461	1	1
37-135-15	Repealed		hb0461	1	1
37-146-1	Added		hb0776	1	1
37-146-3	Added		hb0776	2	1
37-146-5	Added		hb0776	3	1
37-146-7	Added		hb0776	4	1
37-146-9	Added		hb0776	5	1
37-146-11	Added		hb0776	6	1
37-146-13	Added		hb0776	7	1
37-146-17	Added		hb0776	8	1
37-146-19	Added		hb0776	9	1
37-146-21	Added		hb0776	10	1
37-157-1	Amended		hb0425	1	2
37-159-53	Amended		hb0672	1	2
39-25-1	Amended		hb0135	1	2
41-4-18	Added		sb2342	1	2
41-21-101	Amended		sb2647	4	1

# CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-29-117	Amended		sb2193	1	1
41-29-121	Amended		sb2193	2	1
41-29-176	Amended		hb0240	1	2
41-58-1	Amended		hb0069	1	2
41-58-3	Amended		hb0069	2	2
41-58-5	Amended		hb0069	3	2
41-59-35	Amended		sb2202	2	1
41-60-11	Amended		sb2202	1	1
41-111-1	Amended		hb0125	1	2
43-3-103	Amended		hb0525	1	1
43-19-101	Amended		sb2338	1	1
43-21-105	Amended		hb1441	1	2
43-21-651	Amended		sb2076	1	1
43-39-7	Amended		hb0436	2	2
43-39-9	Amended		hb0436	3	2
43-39-11	Amended		hb0436	4	2
45-2-1	Amended		sb2751	4	1
45-2-21	Amended		sb2751	5	1
45-6-11	Amended		hb1485	1	2
45-9-101	Amended		hb0002	4	1
45-9-101	Amended		hb0485	2	1
45-9-103	Added		sb2647	1	1
45-9-131	Amended		sb2047	1	1
45-11-1	Amended		hb0437	1	1
47-4-1	Amended		sb2547	1	2
47-5-931	Amended		hb0578	1	2
49-7-9	Amended		hb1002	1	2
49-7-9.1	Added		hb1002	2	2
49-7-12	Amended		hb1002	3	2
49-7-12.1	Added		hb1002	4	2
49-7-31	Amended		hb1139	1	2
49-7-38	Amended		sb2048	1	1
49-7-201	Amended		hb1260	1	2
49-7-203	Amended		hb1260	2	2
49-15-15	Amended		sb2580	1	2
49-17-509	Amended		sb2688	1	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
51-35-307	Amended		sb2674	1	2
51-35-315	Amended		sb2674	2	2
51-35-317	Amended		sb2674	3	2
51-35-319	Amended		sb2674	4	2
51-35-325	Amended		sb2674	5	2
55-3-33	Amended		hb0524	1	2
57-26-1	Amended		sb2806	1	1
57-73-21	Amended		hb0117	4	2
57-87-7	Amended		sb2829	2	2
57-89-3	Amended		sb2462	1	2
57-89-7	Amended		sb2462	2	2
57-91-5	Amended		sb2147	1	2
57-91-7	Amended		sb2147	2	2
57-91-9	Amended		sb2147	3	2
57-101-1	Repealed		hb0117	5	2
57-101-3	Repealed		hb0117	5	2
57-101-5	Repealed		hb0117	5	2
59-1-42	Added		sb2781	2	1
59-5-37	Amended		hb0129	1	1
61-9-3	Amended		hb0279	1	1
61-19-1	Amended		sb2769	1	1
63-1-21	Amended		hb0481	3	2
63-1-43	Amended		hb0481	4	2
63-1-47	Amended		hb0481	5	2
63-1-216	Amended		hb0090	1	2
63-5-33	Amended		sb2451	2	2
63-9-21	Amended		hb1212	1	2
63-11-21	Amended		hb0481	6	2
63-11-23	Amended		hb0481	7	2
63-11-30	Amended		hb0481	1	2
63-11-31	Amended		hb0481	2	2
63-15-4	Amended		sb2593	1	2
63-15-11	Repealed		hb1277	1	1
63-15-13	Repealed		hb1277	2	1
63-15-15	Repealed		hb1277	3	1
63-15-17	Repealed		hb1277	4	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
63-15-19	Repealed		hb1277	5	1
63-15-21	Repealed		hb1277	6	1
63-31-1	Amended		sb2457	1	1
63-31-3	Amended		sb2457	2	1
65-1-8	Amended		hb0436	1	2
65-1-85	Amended		hb0261	1	2
65-3-38.1	Amended		hb0225	3	1
65-4-5	Amended		hb0922	1	2
65-3-71.102	Amended		sb2496	1	1
67-3-7	Amended		sb2183	2	1
67-3-11	Amended		sb2183	1	1
67-3-13	Amended		sb2183	3	1
67-3-15	Amended		sb2183	4	1
69-2-13	Amended		sb2436	1	1
69-3-6	Amended		hb0751	1	1
69-3-25	Amended		hb0751	2	1
69-3-29	Amended		hb0751	3	1
69-5-107	Amended		hb0064	1	1
69-7-607	Amended		sb2513	1	1
69-25-51	Amended		hb0751	4	1
71-5-5	Amended		hb0932	1	1
71-5-7	Amended		hb0932	2	1
71-5-11	Amended		hb0932	3	1
71-5-13	Amended		hb0932	14	1
71-5-19	Amended		hb0932	4	1
71-5-351	Amended		hb0932	5	1
71-5-353	Amended		hb0932	6	1
71-5-355	Amended		hb0932	7	1
71-5-357	Amended		hb0932	15	1
71-5-361	Amended		hb0932	16	1
71-5-367	Amended		hb0932	8	1
71-5-389	Amended		hb0932	9	1
71-5-453	Amended		hb0932	10	1
71-5-455	Amended		hb0932	11	1
71-5-501	Amended		hb0932	17	1
71-5-505	Amended		hb0932	12	1

# CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
71-5-511	Amended		hb0932	13	1
73-1-21	Amended		sb2419	4	1
73-1-23	Amended		sb2419	5	1
73-2-11	Amended		sb2419	6	1
73-4-1	Reenacted		hb1165	1	1
73-4-3	Reenacted		hb1165	2	1
73-4-5	Reenacted		hb1165	3	1
73-4-7	Reenacted		hb1165	4	1
73-4-9	Reenacted		hb1165	5	1
73-4-11	Reenacted		hb1165	6	1
73-4-13	Reenacted		hb1165	7	1
73-4-15	Reenacted		hb1165	8	1
73-4-17	Reenacted		hb1165	9	1
73-4-19	Reenacted		hb1165	10	1
73-4-21	Reenacted		hb1165	11	1
73-4-23	Amended		sb2419	7	1
73-4-23	Reenacted		hb1165	12	1
73-4-25	Reenacted		hb1165	13	1
73-4-27	Reenacted		hb1165	14	1
73-4-29	Reenacted		hb1165	15	1
73-4-31	Reenacted		hb1165	16	1
73-4-33	Reenacted		hb1165	17	1
73-4-35	Reenacted		hb1165	18	1
73-4-37	Reenacted		hb1165	19	1
73-4-39	Reenacted		hb1165	20	1
73-4-41	Reenacted		hb1165	21	1
73-4-43	Reenacted		hb1165	22	1
73-4-45	Reenacted		hb1165	23	1
73-4-47	Reenacted		hb1165	24	1
73-4-49	Reenacted		hb1165	25	1
73-4-51	Reenacted		hb1165	26	1
73-4-53	Amended		hb1165	27	1
73-5-21	Amended		sb2419	8	1
73-6-13	Amended		sb2419	9	1
73-7-23	Amended		sb2419	10	1
73-9-24	Amended		sb2419	11	1



## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-10-15	Amended		sb2419	12	1
73-11-51	Amended		sb2419	13	1
73-13-35	Amended		sb2419	14	1
73-14-25	Amended		sb2419	15	1
73-15-19	Amended		sb2419	16	1
73-15-21	Amended		sb2419	17	1
73-15-101	Amended		sb2419	18	1
73-17-11	Amended		sb2419	19	1
73-19-25	Amended		sb2419	20	1
73-21-87	Amended		sb2419	21	1
73-23-51	Amended		sb2419	22	1
73-23-53	Amended		sb2419	23	1
73-24-21	Amended		sb2419	24	1
73-25-21	Amended		sb2419	25	1
73-26-3	Amended		hb0134	1	2
73-27-5	Amended		sb2419	26	1
73-29-19	Amended		sb2419	27	1
73-30-15	Amended		sb2419	28	1
73-31-14	Amended		sb2419	29	1
73-31-15	Amended		sb2419	30	1
73-33-9	Amended		sb2419	31	1
73-34-51	Amended		sb2419	32	1
73-35-7	Amended		sb2419	33	1
73-35-13	Amended		sb2419	34	1
73-36-31	Amended		sb2419	35	1
73-38-23	Amended		sb2419	36	1
73-39-71	Amended		sb2419	37	1
73-53-13	Amended		sb2419	38	1
73-54-23	Amended		sb2419	39	1
73-60-1	Amended		sb2698	1	2
73-60-3	Amended		sb2698	2	2
73-60-5	Repealed		sb2698	7	2
73-60-7	Amended		sb2698	3	2
73-60-23	Amended		sb2698	4	2
73-60-25	Amended		sb2419	40	1
73-60-29	Amended		sb2698	5	2

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-60-45	Amended		sb2698	6	2
73-63-39	Amended		sb2419	41	1
73-65-7	Amended		sb2419	42	1
73-67-1	Reenacted		sb2737	1	2
73-67-3	Reenacted		sb2737	2	2
73-67-5	Reenacted		sb2737	3	2
73-67-7	Amended		sb2737	4	2
73-67-9	Reenacted		sb2737	5	2
73-67-11	Reenacted		sb2737	6	2
73-67-13	Reenacted		sb2737	7	2
73-67-15	Reenacted		sb2737	8	2
73-67-17	Reenacted		sb2737	9	2
73-67-19	Reenacted		sb2737	10	2
73-67-21	Amended		sb2737	11	2
73-67-23	Amended		sb2737	12	2
73-67-25	Amended		sb2419	43	1
73-67-25	Amended		sb2737	13	2
73-67-27	Reenacted		sb2737	14	2
73-67-29	Amended		sb2737	15	2
73-67-31	Reenacted		sb2737	16	2
73-67-33	Reenacted		sb2737	17	2
73-67-35	Amended		sb2737	18	2
73-67-37	Reenacted		sb2737	19	2
73-67-39	Amended		sb2737	20	2
73-69-11	Amended		sb2419	44	1
73-71-1	Reenacted		hb1162	1	2
73-71-3	Reenacted		hb1162	2	2
73-71-5	Reenacted		hb1162	3	2
73-71-7	Reenacted		hb1162	4	2
73-71-9	Reenacted		hb1162	5	2
73-71-11	Reenacted		hb1162	6	2
73-71-13	Reenacted		hb1162	7	2
73-71-15	Reenacted		hb1162	8	2
73-71-17	Reenacted		hb1162	9	2
73-71-19	Amended		hb1162	10	2
73-71-21	Amended		sb2419	45	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-71-21	Reenacted		hb1162	11	2
73-71-23	Reenacted		hb1162	12	2
73-71-25	Reenacted		hb1162	13	2
73-71-27	Reenacted		hb1162	14	2
73-71-29	Reenacted		hb1162	15	2
73-71-31	Reenacted		hb1162	16	2
73-71-33	Reenacted		hb1162	17	2
73-71-35	Reenacted		hb1162	18	2
73-71-37	Reenacted		hb1162	19	2
73-71-39	Reenacted		hb1162	20	2
73-71-41	Reenacted		hb1162	21	2
73-71-43	Reenacted		hb1162	22	2
73-71-45	Reenacted		hb1162	23	2
73-71-47	Reenacted		hb1162	24	2
73-71-49	Reenacted		hb1162	25	2
73-71-51	Reenacted		hb1162	26	2
73-71-53	Amended		hb1162	27	2
73-73-11	Amended		sb2419	46	1
73-73-17	Amended		sb2419	47	1
75-2-719	Amended		sb2609	2	2
75-2A-103	Amended		sb2609	29	2
75-4A-108	Amended		sb2609	3	2
75-9-102	Amended		sb2609	1	2
75-9-105	Amended		sb2609	4	2
75-9-307	Amended		sb2609	5	2
75-9-311	Amended		sb2609	6	2
75-9-316	Amended		sb2609	7	2
75-9-317	Amended		sb2609	8	2
75-9-326	Amended		sb2609	9	2
75-9-406	Amended		sb2609	10	2
75-9-408	Amended		sb2609	11	2
75-9-501.1	Added		hb1008	1	1
75-9-502	Amended		sb2609	12	2
75-9-503	Amended		sb2609	13	2
75-9-507	Amended		sb2609	14	2
75-9-510	Amended		hb1008	2	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-9-515	Amended		sb2609	15	2
75-9-516	Amended		hb1008	3	1
75-9-516	Amended		sb2609	16	2
75-9-518	Amended		sb2609	17	2
75-9-521	Amended		sb2609	18	2
75-9-607	Amended		sb2609	19	2
75-9-801	Added		sb2609	20	2
75-9-802	Added		sb2609	21	2
75-9-803	Added		sb2609	22	2
75-9-804	Added		sb2609	23	2
75-9-805	Added		sb2609	24	2
75-9-806	Added		sb2609	25	2
75-9-807	Added		sb2609	26	2
75-9-808	Added		sb2609	27	2
75-9-809	Added		sb2609	28	2
75-27-59	Amended		hb0772	1	2
75-29-201	Amended		sb2511	1	1
75-29-203	Amended		sb2511	2	1
75-29-205	Amended		sb2511	3	1
75-29-207	Repealed		sb2511	6	1
75-29-211	Amended		sb2511	4	1
75-55-5	Amended		hb1161	1	1
75-55-37	Amended		hb1161	2	1
75-60-3	Amended		sb2786	1	1
75-60-4	Amended		sb2786	2	1
75-60-5	Amended		sb2786	3	1
75-60-11	Amended		sb2786	4	1
75-60-19	Amended		sb2786	5	1
75-60-23	Amended		sb2786	6	1
75-60-25	Amended		sb2786	7	1
75-60-45	Added		sb2786	8	1
75-67-501	Reenacted		hb0559	1	1
75-67-503	Reenacted		hb0559	2	1
75-67-505	Reenacted		hb0559	3	1
75-67-507	Reenacted		hb0559	4	1
75-67-509	Reenacted		hb0559	5	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-67-511	Reenacted		hb0559	6	1
75-67-513	Reenacted		hb0559	7	1
75-67-515	Reenacted		hb0559	8	1
75-67-516	Reenacted		hb0559	9	1
75-67-517	Reenacted		hb0559	10	1
75-67-519	Reenacted		hb0559	11	1
75-67-521	Reenacted		hb0559	12	1
75-67-523	Reenacted		hb0559	13	1
75-67-525	Reenacted		hb0559	14	1
75-67-527	Reenacted		hb0559	15	1
75-67-529	Reenacted		hb0559	16	1
75-67-531	Reenacted		hb0559	17	1
75-67-533	Reenacted		hb0559	18	1
75-67-535	Reenacted		hb0559	19	1
75-67-537	Reenacted		hb0559	20	1
75-67-539	Repealed		hb0559	21	1
75-76-5	Amended		hb0974	5	1
75-76-34	Amended		sb2499	1	1
75-76-55	Amended		sb2499	2	1
75-77-1	Amended		hb0387	1	2
75-77-9	Amended		hb0387	2	2
77-1-1	Reenacted		sb2567	1	1
77-1-3	Reenacted		sb2567	2	1
77-1-5	Reenacted		sb2567	3	1
77-1-6	Reenacted		sb2567	4	1
77-1-11	Reenacted		sb2567	5	1
77-1-15	Reenacted		sb2567	6	1
77-1-17	Reenacted		sb2567	7	1
77-1-19	Reenacted		sb2567	8	1
77-1-21	Reenacted		sb2567	9	1
77-1-25	Reenacted		sb2567	10	1
77-1-27	Reenacted		sb2567	11	1
77-1-29	Reenacted		sb2567	12	1
77-1-31	Reenacted		sb2567	13	1
77-1-33	Reenacted		sb2567	14	1
77-1-35	Reenacted		sb2567	15	1



# CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
77-1-37	Reenacted		sb2567	16	1
77-1-39	Reenacted		sb2567	17	1
77-1-41	Reenacted		sb2567	18	1
77-1-43	Reenacted		sb2567	19	1
77-1-47	Reenacted		sb2567	20	1
77-1-49	Reenacted		sb2567	21	1
77-1-51	Amended		sb2567	22	1
77-1-55	Amended		sb2567	23	1
77-3-5	Amended		sb2231	2	1
77-3-15	Amended		sb2231	1	1
77-3-106	Added		hb0894	1	1
77-3-111	Added		hb1134	3	1
77-3-113	Added		hb1134	4	1
77-3-115	Added		hb1134	5	1
77-3-117	Added		hb1134	6	1
77-3-119	Added		hb1134	7	1
77-3-121	Added		hb1134	8	1
77-3-123	Added		hb1134	9	1
77-3-125	Added		hb1134	10	1
77-3-127	Added		hb1134	11	1
77-3-701	Reenacted		sb2787	1	1
77-3-703	Reenacted		sb2787	2	1
77-3-705	Reenacted		sb2787	3	1
77-3-707	Reenacted		sb2787	4	1
77-3-709	Reenacted		sb2787	5	1
77-3-711	Reenacted		sb2787	6	1
77-3-713	Reenacted		sb2787	7	1
77-3-715	Reenacted		sb2787	8	1
77-3-717	Reenacted		sb2787	9	1
77-3-719	Reenacted		sb2787	10	1
77-3-721	Reenacted		sb2787	11	1
77-3-723	Reenacted		sb2787	12	1
77-3-725	Reenacted		sb2787	13	1
77-3-727	Reenacted		sb2787	14	1
77-3-729	Reenacted		sb2787	15	1
77-3-731	Reenacted		sb2787	16	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
77-3-733	Reenacted		sb2787	17	1
77-3-735	Reenacted		sb2787	18	1
77-3-737	Amended		sb2787	19	1
77-5-231	Amended		hb0524	2	2
79-7-1	Amended		sb2684	4	1
79-11-57	Amended		sb2684	5	1
79-17-41	Repealed		sb2684	6	1
81-5-77	Amended		sb2194	1	1
81-18-5	Reenacted		hb1233	1	1
81-22-1	Reenacted		sb2557	1	1
81-22-3	Reenacted		sb2557	2	1
81-22-5	Reenacted		sb2557	3	1
81-22-7	Reenacted		sb2557	4	1
81-22-9	Reenacted		sb2557	5	1
81-22-11	Reenacted		sb2557	6	1
81-22-13	Reenacted		sb2557	7	1
81-22-15	Reenacted		sb2557	8	1
81-22-17	Reenacted		sb2557	9	1
81-22-19	Reenacted		sb2557	10	1
81-22-21	Reenacted		sb2557	11	1
81-22-23	Reenacted		sb2557	12	1
81-22-25	Reenacted		sb2557	13	1
81-22-27	Reenacted		sb2557	14	1
81-22-28	Reenacted		sb2557	15	1
81-22-31	Amended		sb2557	16	1
83-1-35	Amended		sb2675	1	1
83-5-205	Amended		hb0534	1	1
83-5-209	Amended		hb0534	2	1
83-5-401	Amended		hb0534	3	1
83-5-403	Amended		hb0534	4	1
83-5-405	Amended		hb0534	5	1
83-5-417	Amended		hb0534	6	1
83-5-427	Amended		hb0534	7	1
83-6-1	Amended		hb0534	8	1
83-6-5	Amended		hb0534	9	1
83-6-17	Amended		hb0534	10	1

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
83-6-21	Amended		hb0534	11	1
83-6-24	Amended		hb0534	12	1
83-6-26	Added		hb0534	13	1
83-6-27	Amended		hb0534	14	1
83-6-29	Amended		hb0534	15	1
83-9-3	Amended		hb0374	1	1
83-9-5	Amended		hb0374	2	1
83-21-3	Amended		hb0748	19	2
83-33-1	Amended		hb0748	1	2
83-33-3	Amended		hb0748	2	2
83-33-5	Amended		hb0748	3	2
83-33-7	Amended		hb0748	4	2
83-33-11	Amended		hb0748	5	2
83-33-13	Amended		hb0748	6	2
83-33-15	Amended		hb0748	7	2
83-33-17	Amended		hb0748	8	2
83-33-19	Amended		hb0748	9	2
83-33-21	Added		hb0748	10	2
83-33-23	Added		hb0748	11	2
83-33-25	Added		hb0748	12	2
83-33-27	Added		hb0748	13	2
83-33-29	Added		hb0748	14	2
83-33-31	Added		hb0748	15	2
83-33-33	Added		hb0748	16	2
83-33-35	Added		hb0748	17	2
83-33-37	Added		hb0748	18	2
83-39-3	Amended		hb0749	1	2
83-64-1	Amended		sb2232	1	1
89-5-8	Amended		hb0928	1	2
93-9-15	Amended		hb0720	1	1
93-11-103	Amended		sb2210	1	1
93-11-105	Amended		sb2210	2	1
93-13-37	Amended		sb2375	1	1
93-13-55	Amended		sb2375	2	1
93-13-57	Amended		sb2375	3	1
93-13-67	Amended		sb2375	4	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
93-13-77	Amended		sb2375	5	1
95-9-1	Amended		sb2751	3	1
97-3-25	Amended		sb2255	1	1
97-5-33	Amended		sb2197	1	1
97-5-39	Amended		hb1259	1	2
97-17-53	Amended		hb0178	1	2
97-25-3	Amended		hb1519	1	2
97-33-1	Amended		hb0974	2	1
97-33-7	Amended		hb0974	3	1
97-33-9	Amended		hb0974	4	1
97-37-1	Amended		hb0002	1	1
97-37-5	Amended		sb2647	3	1
97-37-15	Amended		hb0002	2	1
97-37-19	Amended		hb0002	3	1
97-45-3	Amended		hb0686	1	1
99-3-7	Amended		hb0437	2	1
99-5-25	Amended		hb0714	1	2
99-41-17	Amended		hb0710	1	1

**Mississippi Legislature  
2013 Regular Session**

**House Bill 69**

**Description:** Medical radiation technologists; extend repealers on registration statutes.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 434

**History of Actions:**

1	01/11	(H)	Referred To Public Health and Human Services
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/11	(H)	Transmitted To Senate
6	02/12	(S)	Referred To Public Health and Welfare
7	03/05	(S)	Title Suff Do Pass
8	03/12	(S)	Passed {Vote}
9	03/13	(S)	Transmitted To House
10	03/15	(H)	Enrolled Bill Signed
11	03/15	(S)	Enrolled Bill Signed
12	03/21		Approved by Governor

**Code Section:** A 041-0058-0001, A 041-0058-0003, A 041-0058-0005

**----- Additional Information -----**

**House Committee:** Public Health and Human Services

**Senate Committee:** Public Health and Welfare

**Principal Author:** Formby

**Additional Authors:** Scott

**Title:** AN ACT TO AMEND SECTIONS 41-58-1, 41-58-3 AND 41-58-5, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS RELATING TO THE REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS BY THE STATE DEPARTMENT OF HEALTH; TO REVISE THE MEMBERSHIP OF THE MEDICAL RADIATION ADVISORY COUNCIL; TO PROVIDE THAT DOCUMENTATION OF



CONTINUING EDUCATION REQUIREMENTS SHALL BE SUBMITTED TO THE STATE BOARD OF MEDICAL LICENSURE; TO EXTEND THE DATE OF THE REPEALERS ON THOSE STATUTES PROVIDING FOR THE REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 69

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representatives Formby, Scott

**House Bill 69**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 41-58-1, 41-58-3 AND 41-58-5, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS RELATING TO THE REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS BY THE STATE DEPARTMENT OF HEALTH; TO REVISE THE MEMBERSHIP OF THE MEDICAL RADIATION ADVISORY COUNCIL; TO PROVIDE THAT DOCUMENTATION OF CONTINUING EDUCATION REQUIREMENTS SHALL BE SUBMITTED TO THE STATE BOARD OF MEDICAL LICENSURE; TO EXTEND THE DATE OF THE REPEALERS ON THOSE STATUTES PROVIDING FOR THE REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 41-58-1, Mississippi Code of 1972, is amended as follows:

41-58-1. As used in this chapter:

(a) "Department" means the Mississippi State Department of Health.

(b) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, chiropractic, osteopathy or podiatry, or a licensed nurse practitioner or physician assistant.

(c) "Ionizing radiation" means x-rays and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.

(d) "X-radiation" means penetrating electromagnetic radiation with wavelengths shorter than ten (10) nanometers produced by bombarding a metallic target with fast electrons in a vacuum.

(e) "Supervision" means responsibility for, and control of, quality radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

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(f) "Medical radiation technology" means the science and art of applying ionizing radiation to human beings for diagnostic and/or therapeutic purposes. The four (4) specialized disciplines of medical radiation technology are diagnostic radiologic technology, nuclear medicine technology, radiation therapy and limited x-ray machine operator.

(g) "Radiologic technologist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or its equivalent, who applies x-radiation or ionizing radiation to any part of the human body for diagnostic purposes and includes the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

(h) "Nuclear medicine technologist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or the Nuclear Medicine Technology Certification Board examination or its equivalent, who performs in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, prepares radiopharmaceuticals, and administers diagnostic/therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material.

(i) "Radiation therapist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or its equivalent, who applies x-radiation and the ionizing radiation emitted from particle accelerators, cobalt sixty (60) units and sealed sources of radioactive material to human beings for therapeutic purposes while under the supervision of a licensed radiation oncologist or a board certified radiologist who is licensed to possess and use radioactive material.

(j) "Limited x-ray machine operator" means a person other than a licensed practitioner or radiologic technologist who is issued a permit by the State Board of Medical Licensure to perform medical radiation technology limited to specific radiographic procedures on certain parts of the human anatomy, specifically the chest, abdomen and skeletal structures, and

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excluding fluoroscopic, both stationary and mobile (C-arm), and contrast studies, computed tomography, nuclear medicine, radiation therapy studies and mammography.

(k) "Council" means the Medical Radiation Advisory Council created under Section 41-58-3.

This section shall stand repealed on July 1, \* \* \* 2015.

**SECTION 2.** Section 41-58-3, Mississippi Code of 1972, is amended as follows:

41-58-3. (1) The department shall have full authority to adopt such rules and regulations not inconsistent with the laws of this state as may be necessary to effectuate the provisions of this chapter, and may amend or repeal the same as may be necessary for such purposes.

(2) There shall be established a Medical Radiation Advisory Council to be appointed as provided in this section. The council shall consist of \* \* \* nine (9) members as follows:

(a) One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;

(b) One (1) licensed family physician;

(c) One (1) licensed practitioner;

(d) Two (2) registered radiologic technologists;

(e) One (1) nuclear medicine technologist;

(f) One (1) radiation therapist;

\* \* \*

(\* \* \* g) One (1) radiation physicist;

(\* \* \* h) One (1) hospital administrator; and

(\* \* \* i) The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

(3) The department shall, following the recommendations from the appropriate professional state societies and organizations, including the Mississippi Radiological Society, the Mississippi Society of Radiologic Technologists, and the Mississippi State Nuclear Medicine Society, and other nominations that may be received from whatever source, appoint the members of the council as soon as possible after the effective date of subsections (2) and (3) of this section. Any person serving on the council who is a practitioner of a

profession or occupation required to be licensed, credentialed or certified in the state shall be a holder of an appropriate license, credential or certificate issued by the state. All members of the council shall be residents of the State of Mississippi. The council shall promulgate such rules and regulations by which it shall conduct its business. Members of the council shall receive no salary for services performed on the council but may be reimbursed for their reasonable and necessary actual expenses incurred in the performance of the same, from funds provided for such purpose. The council shall assist and advise the department in the development of regulations and standards to effectuate the provisions of this chapter.

(4) A radiologic technologist, nuclear medicine technologist or radiation therapist shall not apply ionizing or x-radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of medical radiation technology unless the person possesses a valid registration issued by the department under the provisions of this chapter.

(5) The department may issue a temporary registration to practice a specialty of medical radiation technology to any applicant who has completed an approved program, who has complied with the provisions of this chapter, and is awaiting examination for that specialty. This registration shall convey the same rights as the registration for which the applicant is awaiting examination and shall be valid for one (1) six-month period.

(6) The department may charge a registration fee of not more than Fifty Dollars (\$50.00) biennially to each person to whom it issues a registration under the provisions of this chapter.

(7) Registration with the department is not required for:

(a) A student enrolled in and participating in an accredited course of study approved by the department for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic technologist, registered nuclear medicine technologist or registered radiation therapist;



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(b) Laboratory personnel who use radiopharmaceuticals for in vitro studies;

(c) A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

(d) A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Chiropractic Examiners and applies ionizing radiation under the specific direction of a licensed chiropractor;

(e) An individual who is permitted as a limited x-ray machine operator by the State Board of Medical Licensure and applies ionizing radiation in a physician's office, radiology clinic or a licensed hospital in Mississippi under the specific direction of a licensed practitioner; and

(f) A student enrolled in and participating in an accredited course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy and is employed by a physician's office, radiology clinic or a licensed hospital in Mississippi and applies ionizing radiation under the specific direction of a licensed practitioner.

(8) Nothing in this chapter is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by this chapter are within the scope of practice of the licensee or registrant.

(9) (a) If any radiologic technologist, nuclear medicine technologist or radiation therapist violates any provision of this chapter or the regulations adopted by the department, the department shall suspend or revoke the registration and practice privileges of the person or issue other disciplinary actions in accordance with statutory procedures and rules and regulations of the department.

(b) If any person violates any provision of this chapter, the department shall issue a written warning to the licensed practitioner or medical institution that employs the person; and if that person violates any provision of

## 2013 GENERAL LAWS OF MISSISSIPPI HB 69

this chapter again within three (3) years after the first violation, the department may suspend or revoke the permit or registration for the x-radiation and ionizing equipment of the licensed practitioner or medical institution that employs the person, in accordance with statutory procedures and rules and regulations of the department regarding suspension and revocation of those permits or registrations.

(10) This section shall stand repealed on July 1, \* \* \* 2015.

**SECTION 3.** Section 41-58-5, Mississippi Code of 1972, is amended as follows:

41-58-5. (1) Each registered radiologic technologist, registered nuclear medicine technologist and registered radiation therapist shall submit evidence to the department of completing twenty-four (24) hours of continuing education in a two-year period as described in the rules and regulations of the department.

(2) Each limited x-ray machine operator who is first employed to apply ionizing radiation in the State of Mississippi shall complete twelve (12) hours of education in radiologic technology, with six (6) of those hours specifically in radiation protection, not later than twelve (12) months after the date of his or her employment to apply ionizing radiation, and shall thereafter submit evidence to the\* \* \* State Board of Medical Licensure of completing twelve (12) hours of continuing education in a two-year period as described in the rules and regulations of the\* \* \* State Board of Medical Licensure. Six (6) of the continuing education hours must be in radiation protection.

(3) Each individual who is exempt from registration under paragraph (d) of Section 41-58-3(7) shall complete twelve (12) hours of continuing education in a two-year period as described in the rules and regulations of the department. Six (6) of the continuing education hours must be in radiation protection.

(4) Each individual who is exempt from registration under paragraph (d) of Section 41-58-3(7) and who is first employed to apply ionizing radiation in the State of Mississippi shall complete twelve (12) hours of education in radiologic technology, with six (6) of those hours specifically in

## 2013 GENERAL LAWS OF MISSISSIPPI HB 69

radiation protection, not later than twelve (12) months after the date of his or her employment to apply ionizing radiation.

(5) The department shall approve training sessions that will provide the continuing education required under this section in each of the junior/community college districts in the state, with at least one (1) training session being held during each quarter of the year.

(6) \* \* \*

The Board of Chiropractic Examiners and the State Board of Medical Licensure may charge a fee of not more than Fifty Dollars (\$50.00) biennially to each individual whom the board certifies as having completed the continuing education requirements of this section.

(7) This section shall stand repealed on July 1, \* \* \* 2015.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.

## Mississippi Legislature 2013 Regular Session

### House Bill 90

**Description:** Commercial Driver's License Act; revise to clarify one year disqualification requirement.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 454

**History of Actions:**

- |    |       |     |  |
|----|-------|-----|--|
| 1  | 01/11 | (H) | Referred To Judiciary B                                |
| 2  | 01/17 | (H) | Title Suff Do Pass                                     |
| 3  | 01/24 | (H) | Failed {Vote}  |
| 4  | 01/24 | (H) | Motion to Reconsider Entered (Gipson, Buck<br>(72nd) ) |
| 5  | 02/06 | (H) | Reconsidered   |
| 6  | 02/06 | (H) | Amended  |
| 7  | 02/06 | (H) | Passed As Amended {Vote}                               |
| 8  | 02/11 | (H) | Transmitted To Senate                                  |
| 9  | 02/15 | (S) | Referred To Judiciary, Division B                      |
| 10 | 03/05 | (S) | Title Suff Do Pass As Amended                          |
| 11 | 03/07 | (S) | Amended  |
| 12 | 03/07 | (S) | Passed As Amended {Vote}                               |
| 13 | 03/08 | (S) | Returned For Concurrence                               |
| 14 | 03/14 | (H) | Concurred in Amend From Senate {Vote}                  |
| 15 | 03/18 | (H) | Enrolled Bill Signed                                   |
| 16 | 03/19 | (S) | Enrolled Bill Signed                                   |
| 17 | 03/25 |     | Approved by Governor                                   |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 90

**Code Section:** A 063-0001-0216

----- Additional Information -----

*House Committee:* Judiciary B

*Senate Committee:* Judiciary, Division B

*Principal Author:* Gipson

*Additional Authors:* Young

*Title:* AN ACT TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972, TO REVISE THE COMMERCIAL DRIVER'S LICENSE ACT TO CLARIFY THAT AN ADMINISTRATIVE FINDING OF CERTAIN VIOLATIONS SHALL RESULT IN A PERSON BEING DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF ONE YEAR; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 90

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Gipson, Young

**House Bill 90**

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972, TO REVISE THE COMMERCIAL DRIVER'S LICENSE ACT TO CLARIFY THAT AN ADMINISTRATIVE FINDING OF CERTAIN VIOLATIONS SHALL RESULT IN A PERSON BEING DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF ONE YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-1-216, Mississippi Code of 1972, is amended as follows:

63-1-216. (1) (a) A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if the person's license or permit to drive has been administratively suspended under Section 63-11-23 or the person has been convicted of a first violation of:

(i) Operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence as provided in Section 63-11-30;

(ii) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(iii) Using a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year;

(iv) Refusal to submit to a test to determine the operator's alcohol concentration, as provided in Title 63, Chapter 11, Mississippi Code of 1972;

(v) Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway with an alcohol concentration of eight one-hundredths percent (0.08%) or more, or under the influence of intoxicating liquor or other substance, as provided in Section 63-11-30;

## 2013 GENERAL LAWS OF MISSISSIPPI HB 90

(vi) Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely as provided in Section 63-11-30;

(vii) Operating or attempting to operate a commercial motor vehicle while the license is revoked, suspended, cancelled, or disqualified;

(viii) Operating a commercial motor vehicle in a negligent manner resulting in a fatal injury.

(b) A person shall be disqualified from driving a commercial motor vehicle for three (3) years if convicted of a violation listed in subsection (1) of this section, if the violation occurred while transporting a hazardous material required to be placarded.

(c) A person shall be disqualified from driving a commercial motor vehicle for life if convicted of two (2) or more violations or a combination of them listed in subsection (1) of this section arising from two (2) or more separate occurrences.

(d) A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period. A disqualification for three (3) serious traffic violations must be imposed consecutively to any other previous period of disqualification.

(e) A person shall be disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug and for which the person was convicted.

(f) A person who is disqualified from driving a commercial motor vehicle shall surrender the person's Mississippi commercial driver's license no later than the effective date of the disqualification. Upon receipt of the person's commercial

## 2013 GENERAL LAWS OF MISSISSIPPI HB 90

driver's license, that person, if otherwise eligible, may apply for a non-CDL, and upon payment of sufficient fees receive the driver's license.

(g) The commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to paragraph (e) of this subsection, may be reduced to a period of not less than ten (10) years.

(h) A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.

(i) A person shall be disqualified from driving a commercial motor vehicle for a period of one hundred twenty (120) days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.

(j) A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

(k) A person who is simultaneously subject to a disqualification issued by the administrator of the Federal Motor Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and a disqualification under any other provision of this section shall serve those disqualification periods concurrently.

(2) (a) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for one (1) year, if:

(i) The person is convicted of a first violation of operating, attempting to operate or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence, as provided in Section 63-11-30; and

(ii) The person's commercial driver's license is issued by a state or country that does not issue commercial

## 2013 GENERAL LAWS OF MISSISSIPPI HB 90

driver's licenses and disqualify persons in accordance with 49 CFR, Parts 383 and 384.

(b) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for three (3) years if the person is convicted of violating subsection (1) of this section, and the violation occurred while the person was transporting a hazardous material required to be placarded.

(c) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person is convicted a second time of violating subsection (1) of this section, and both convictions arise out of separate occurrences.

(d) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for sixty (60) days if the person is convicted of two (2) serious traffic violations, or for one hundred twenty (120) days if the person is convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period.

(e) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person uses a commercial motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.

(f) In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a commercial driver's license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision

## 2013 GENERAL LAWS OF MISSISSIPPI HB 90

of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 102**

**Description:** "Wounded Warrior Special Programs"; authorize Commission on Wildlife, Fisheries and Parks to establish in wildlife management areas and refuges.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 463

**History of Actions:**

1	01/11	(H)	Referred To Military Affairs; Wildlife, Fisheries and Parks
2	01/29	(H)	DR - TSDPCS: MA To WI
3	01/31	(H)	DR - TSDPAA: WI To MA
4	01/31	(H)	Title Suff Do Pass Comm Sub
5	02/07	(H)	Committee Substitute Adopted
6	02/07	(H)	Passed {Vote}
7	02/11	(H)	Transmitted To Senate
8	02/13	(S)	Referred To Veterans and Military Affairs; Wildlife, Fisheries and Parks
9	02/27	(S)	DR - TSDP: VM To WI
10	02/28	(S)	Title Suff Do Pass
11	03/11	(S)	Amended
12	03/11	(S)	Passed As Amended {Vote}
13	03/12	(S)	Returned For Concurrence
14	03/15	(H)	Concurred in Amend From Senate {Vote}
15	03/20	(H)	Enrolled Bill Signed
16	03/20	(S)	Enrolled Bill Signed
17	03/26		Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 102

----- Additional Information -----

**2013 GENERAL LAWS OF MISSISSIPPI HB 102**

***House Committee:*** Military Affairs, Wildlife, Fisheries and Parks

***Senate Committee:*** Veterans and Military Affairs, Wildlife, Fisheries and Parks

***Principal Author:*** Moak

***Additional Authors:*** Reynolds, Bain, Banks, Baria, Brown (66th), Buck (5th), Eaton, Evans (43rd), Evans (91st), Flaggs, Hines, Holland, Holloway, Horan, Lane, Miles, Myers, Oberhousen, Patterson, Perkins, Steverson, Stringer, DeBar, Dixon, Crawford

***Title:*** AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO DESIGNATE AREAS OR SPECIAL SEASONS WITHIN WILDLIFE MANAGEMENT AREAS AND WILDLIFE REFUGES TO PROVIDE HUNTING, FISHING AND OTHER RECREATIONAL ACTIVITIES FOR “WOUNDED WARRIORS”; TO DEFINE CERTAIN TERMS; TO ALLOW A PERSON TO ASSIST AN ELIGIBLE VETERAN OR SERVICE MEMBER IN THOSE ACTIVITIES; TO AUTHORIZE THE COMMISSION TO ADOPT THE NECESSARY RULES AND REGULATIONS FOR THE ADMINISTRATION OF THIS ACT; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 102

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Military Affairs; Wildlife, Fisheries and Parks  
By: Representatives Moak, Reynolds, Bain, Banks, Baria,  
Brown (66th), Buck (5th), Eaton, Evans (43rd), Evans (91st),  
Flaggs, Hines, Holland, Holloway, Horan, Lane, Miles, Myers,  
Oberhausen, Patterson, Perkins, Steverson, Stringer, DeBar,  
Dixon, Crawford

### House Bill 102

(As Sent to Governor)

AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO DESIGNATE AREAS OR SPECIAL SEASONS WITHIN WILDLIFE MANAGEMENT AREAS AND WILDLIFE REFUGES TO PROVIDE HUNTING, FISHING AND OTHER RECREATIONAL ACTIVITIES FOR "WOUNDED WARRIORS"; TO DEFINE CERTAIN TERMS; TO ALLOW A PERSON TO ASSIST AN ELIGIBLE VETERAN OR SERVICE MEMBER IN THOSE ACTIVITIES; TO AUTHORIZE THE COMMISSION TO ADOPT THE NECESSARY RULES AND REGULATIONS FOR THE ADMINISTRATION OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The purpose of this section is to honor wounded veterans and active duty service members by providing hunting, fishing and other recreational opportunities for them in state wildlife management areas and wildlife refuges.

(2) As used in this section, the term:

(a) "Active duty" means full-time duty in the Armed Forces, Reserves or National Guard during wartime service as defined by the United States Congress.

(b) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard.

(c) "National Guard" means the Army National Guard and the Air Force National Guard of the United States.

(d) "Reserves" means the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve.

(3) The Commission on Wildlife, Fisheries and Parks may designate an area or areas or establish special seasons within wildlife management areas and wildlife refuges for hunting,

## 2013 GENERAL LAWS OF MISSISSIPPI HB 102

fishing and other recreational activities for eligible veterans and active duty service members to be known as "Wounded Warrior Special Programs."

(4) The designated areas or special seasons shall be open to a person who:

(a) Is an active duty member of the Armed Forces, National Guard or Reserves and has a combat-related physical injury as determined by the member's branch of service; or

(b) Is a veteran member of the Armed Forces, National Guard or Reserves who served on active duty during a period of war as defined by the United States Congress, and:

(i) Has a service-connected physical disability as determined by the United States Department of Veterans Affairs; or

(ii) Was discharged or released from military service because of a physical disability acquired or aggravated while serving on active duty during a period of war.

(5) The department may allow one (1) person to accompany an eligible veteran or active duty service member who requires assistance to hunt, fish or participate in the recreational activity.

(6) The commission may adopt any rules and regulations deemed necessary to administer this section.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 117**

**Description:** MS Development Authority Job Training Grant Fund; create to provide job training grants for certain eligible business enterprises.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* \*\* See Text

*Chapter Number:* 447

**History of Actions:**

1	01/11	(H)	Referred To Ways and Means
2	02/04	(H)	Title Suff Do Pass
3	02/06	(H)	Passed {Vote}
4	02/07	(H)	Transmitted To Senate
5	02/12	(S)	Referred To Finance
6	03/05	(S)	Title Suff Do Pass As Amended
7	03/07	(S)	Amended
8	03/07	(S)	Passed As Amended {Vote}
9	03/08	(S)	Returned For Concurrence
10	03/12	(H)	Concurred in Amend From Senate {Vote}
11	03/18	(H)	Enrolled Bill Signed
12	03/19	(S)	Enrolled Bill Signed
13	03/25		Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 117

**Code Section:** A 027-0065-0075, A 057-0073-0021, RP 057-0101-0001, RP 057-0101-0003, RP 057-0101-0005

**---- Additional Information ----**

**House Committee:** Ways and Means

**Senate Committee:** Finance

**Principal Author:** Smith (39th)

**Additional Authors:** Scott



*Title:* AN ACT TO CREATE THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO PROVIDE THAT MONEY IN THE FUND SHALL BE USED FOR THE PURPOSE OF MAKING TRAINING GRANTS TO COMMUNITY OR JUNIOR COLLEGES, PUBLIC UNIVERSITIES AND WORKFORCE INVESTMENT AREAS TO PAY A PORTION OF THE COSTS OF PROVIDING TRAINING OR RETRAINING FOR EMPLOYEES OF BUSINESS ENTERPRISES THAT ARE ELIGIBLE FOR THE JOBS TAX CREDIT AUTHORIZED UNDER SECTION 57-73-21, MISSISSIPPI CODE OF 1972; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT A BUSINESS ENTERPRISE THAT CHOOSES TO UTILIZE SUCH A TRAINING GRANT SHALL NOT BE ELIGIBLE FOR THE JOBS TAX CREDIT AUTHORIZED IN SECTION 57-73-21, MISSISSIPPI CODE OF 1972; TO PROVIDE FOR THE DURATION AND AMOUNT OF THE TRAINING GRANTS; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL REQUIRE THAT THE BUSINESS ENTERPRISE SHALL ENTER INTO BINDING COMMITMENTS REQUIRING THAT A MINIMUM NUMBER OF JOBS BE MAINTAINED THAT SHALL BE NOT LESS THAN THE NUMBER OF JOBS REQUIRED TO BE ELIGIBLE FOR THE JOBS TAX CREDIT, AND THAT IF THE MINIMUM NUMBER OF JOBS ARE NOT MAINTAINED, ALL OR A PORTION OF THE GRANT FUNDS UTILIZED BY THE BUSINESS ENTERPRISE, AS DETERMINED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, SHALL BE REPAID; TO PROVIDE THAT THE LIABILITY OF THE STATE OF MISSISSIPPI TO MAKE THE TRAINING GRANTS AUTHORIZED UNDER THIS ACT SHALL BE LIMITED TO THE BALANCE CONTAINED IN THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO REQUIRE THE TRANSFER OF \$2,000,000.00 FROM THE MMEIA TAX INCENTIVE FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO END THE MONTHLY DEPOSIT OF SALES TAX REVENUE IN THE AMOUNT OF \$150,000.00 INTO THE MMEIA TAX INCENTIVE FUND AND PROVIDE FOR THE MONTHLY DEPOSIT OF SALES TAX REVENUE IN THE AMOUNT OF \$150,000.00 INTO THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 57-101-1, 57-101-3 AND 57-101-5, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MMEIA TAX INCENTIVE FUND TO PAY A PORTION OF THE COMPONENT CONSTRUCTION MATERIAL COSTS FOR CERTAIN PROJECTS; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 117

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representatives Smith (39th), Scott

### House Bill 117

(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO PROVIDE THAT MONEY IN THE FUND SHALL BE USED FOR THE PURPOSE OF MAKING TRAINING GRANTS TO COMMUNITY OR JUNIOR COLLEGES, PUBLIC UNIVERSITIES AND WORKFORCE INVESTMENT AREAS TO PAY A PORTION OF THE COSTS OF PROVIDING TRAINING OR RETRAINING FOR EMPLOYEES OF BUSINESS ENTERPRISES THAT ARE ELIGIBLE FOR THE JOBS TAX CREDIT AUTHORIZED UNDER SECTION 57-73-21, MISSISSIPPI CODE OF 1972; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT A BUSINESS ENTERPRISE THAT CHOOSES TO UTILIZE SUCH A TRAINING GRANT SHALL NOT BE ELIGIBLE FOR THE JOBS TAX CREDIT AUTHORIZED IN SECTION 57-73-21, MISSISSIPPI CODE OF 1972; TO PROVIDE FOR THE DURATION AND AMOUNT OF THE TRAINING GRANTS; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL REQUIRE THAT THE BUSINESS ENTERPRISE SHALL ENTER INTO BINDING COMMITMENTS REQUIRING THAT A MINIMUM NUMBER OF JOBS BE MAINTAINED THAT SHALL BE NOT LESS THAN THE NUMBER OF JOBS REQUIRED TO BE ELIGIBLE FOR THE JOBS TAX CREDIT, AND THAT IF THE MINIMUM NUMBER OF JOBS ARE NOT MAINTAINED, ALL OR A PORTION OF THE GRANT FUNDS UTILIZED BY THE BUSINESS ENTERPRISE, AS DETERMINED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, SHALL BE REPAYED; TO PROVIDE THAT THE LIABILITY OF THE STATE OF MISSISSIPPI TO MAKE THE TRAINING GRANTS AUTHORIZED UNDER THIS ACT SHALL BE LIMITED TO THE BALANCE CONTAINED IN THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO REQUIRE THE TRANSFER OF \$2,000,000.00 FROM THE MMEIA TAX INCENTIVE FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO END THE MONTHLY DEPOSIT OF SALES TAX REVENUE IN THE AMOUNT OF \$150,000.00 INTO THE MMEIA TAX INCENTIVE FUND AND PROVIDE FOR THE MONTHLY DEPOSIT OF SALES TAX REVENUE IN THE AMOUNT OF \$150,000.00 INTO THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 57-101-1, 57-101-3 AND 57-101-5, MISSISSIPPI CODE

## 2013 GENERAL LAWS OF MISSISSIPPI HB 117

OF 1972, WHICH CREATE THE MMEIA TAX INCENTIVE FUND TO PAY A PORTION OF THE COMPONENT CONSTRUCTION MATERIAL COSTS FOR CERTAIN PROJECTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) There is created in the State Treasury a special fund to be known as the "Mississippi Development Authority Job Training Grant Fund" into which shall be deposited such money as provided in Section 27-65-75(21)(b). The money in the fund shall be used for the purpose of making job training grants to community and junior colleges, public universities and local workforce investment areas to pay a portion of the costs of providing training or retraining for employees of business enterprises that are eligible for the jobs tax credit authorized in Section 57-73-21. The fund shall be administered by the Mississippi Development Authority (MDA). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program authorized under this section.

(2) Subject to the provisions of this section, job training grants may be made by the MDA to a community or junior college, public university or local workforce investment area to pay costs incurred in training or retraining employees for a business enterprise that is eligible for the jobs tax credit authorized in Section 57-73-21. A business enterprise that chooses to utilize a job training grant under this section shall not be eligible for the job tax credit authorized in Section 57-73-21. The election to utilize a job training grant shall be made by the business enterprise before the creation of any jobs. The grant payments may be made during a five-year period beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by the MDA. The amount of the grants authorized by this section shall be seventy-five percent (75%) of the costs of training or retraining employees not to exceed:

(a) One Thousand Dollars (\$1,000.00) per job in counties designated as Tier One areas under Section 57-73-21;

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(b) One Thousand Five Hundred Dollars (\$1,500.00) per job in counties designated as Tier Two areas under Section 57-73-21; and

(c) Two Thousand Dollars (\$2,000.00) per job in counties designated as Tier Three areas under Section 57-73-21.

(3) The MDA shall cease making job training grant payments if it determines the required number of jobs are not being maintained by the business enterprise.

(4) The MDA shall require that the business enterprise shall enter into binding commitments requiring that:

(a) A minimum number of jobs be maintained that shall not be less than the number of jobs required to be eligible for the jobs tax credit authorized in Section 57-73-21; and

(b) That if the minimum number of jobs are not maintained, all or a portion of the grant funds paid under this section, as determined by the MDA, shall be repaid by the business enterprise.

(5) The MDA shall develop, implement and administer the job training grant program authorized under this section and shall promulgate rules and regulations necessary for the development, implementation and administration of the program.

(6) A business enterprise desiring to utilize job training grants under this section must submit requests for job training grants to the MDA. The MDA shall review the request and determine if the business enterprise is eligible and if a payment shall be made from the fund. The liability of the State of Mississippi to make the job training grants authorized under this section shall be limited to the balance contained in the fund.

**SECTION 2.** From and after July 1, 2013, the State Fiscal Officer shall transfer all money in the MMEIA Tax Incentive Fund created in Section 57-101-3 to the Mississippi Development Authority Job Training Grant Fund created in Section 1 of this act.

**SECTION 3.** Section 27-65-75, Mississippi Code of 1972, is amended as follows:

27-65-75. On or before the fifteenth day of each month, the revenue collected under the provisions of this chapter during the preceding month shall be paid and distributed as follows:



(1) (a) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. On or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation.

A municipal corporation, for the purpose of distributing the tax under this subsection, shall mean and include all incorporated cities, towns and villages.

Monies allocated for distribution and credited to a municipal corporation under this\* \* \* paragraph may be pledged as security for a loan if the distribution received by the municipal corporation is otherwise authorized or required by law to be pledged as security for such a loan.

In any county having a county seat that is not an incorporated municipality, the distribution provided under this subsection shall be made as though the county seat was an incorporated municipality; however, the distribution to the municipality shall be paid to the county treasury in which the municipality is located, and those funds shall be used for road, bridge and street construction or maintenance in the county.

(b) On or before August 15, 2006, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or



junior college and paid to the state institution of higher learning or community or junior college.

(2) On or before September 15, 1987, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, One Million One Hundred Twenty-five Thousand Dollars (\$1,125,000.00) shall be allocated for distribution to municipal corporations as defined under subsection (1) of this section in the proportion that the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each such municipality during the preceding fiscal year bears to the total gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in municipalities statewide during the preceding fiscal year. The Department of Revenue shall require all distributors of gasoline and diesel fuel to report to the department monthly the total number of gallons of gasoline and diesel fuel sold by them to consumers and retailers in each municipality during the preceding month. The Department of Revenue shall have the authority to promulgate such rules and regulations as is necessary to determine the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each municipality. In determining the percentage allocation of funds under this subsection for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the Department of Revenue may consider gallons of gasoline and diesel fuel sold for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the Department of Revenue such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999,

from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be deposited in the State Treasury to the credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) or an amount equal to twenty-three and one-fourth percent (23-1/4%) of those funds, whichever is the greater amount, shall be deposited in the State Treasury to the credit of the "State Aid Road Fund," created by Section 65-9-17. Those funds shall be pledged to pay the principal of and interest on state aid road bonds heretofore issued under Sections 19-9-51 through 19-9-77, in lieu of and in substitution for the funds previously allocated to counties under this section. Those funds may not be pledged for the payment of any state aid road bonds issued after April 1, 1981; however, this prohibition against the pledging of any such funds for the payment of bonds shall not apply to any bonds for which intent to issue those bonds has been published for the first time, as provided by law before March 29, 1981. From the amount of taxes paid into the special fund under this subsection and subsection (9) of this section, there shall be first deducted and paid the amount necessary to pay the expenses of the Office of State Aid Road Construction, as authorized by the Legislature for all other general and special fund agencies. The remainder of the fund shall be allocated monthly to the several counties in accordance with the following formula:

(a) One-third (1/3) shall be allocated to all counties in equal shares;

(b) One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state; and

(c) One-third (1/3) shall be allocated to counties based on the proportion that the rural population of the county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

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For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars (\$1,666,666.00) each month shall be paid into the special fund known as the "State Public School Building Fund" created and existing under the provisions of Sections 37-47-1 through 37-47-67. Those payments into that fund are to be made on the last day of each succeeding month hereafter.

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6 of Chapter 542, Laws of 1983, shall be paid into the special fund known as the Correctional Facilities Construction Fund created in Section 6 of Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited by the\*  
\* \* department into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars (\$42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars (\$42,000,000.00) shall be deposited into the

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Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

(9) On or before August 15, 1994, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be paid into the State Aid Road Fund.

(10) On or before August 15, 1994, and each succeeding month thereafter through August 15, 1995, from the revenue collected under this chapter during the preceding month, Two Million Dollars (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(11) Notwithstanding any other provision of this section to the contrary, on or before February 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(12) Notwithstanding any other provision of this section to the contrary, on or before August 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) on retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101 and the corresponding levy in Section 27-65-23 on the rental or lease of these vehicles, shall be deposited, after diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.



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(13) On or before July 15, 1994, and on or before the fifteenth day of each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-22 that is derived from activities held on the Mississippi State Fairgrounds Complex shall be paid into a special fund that is created in the State Treasury and shall be expended upon legislative appropriation solely to defray the costs of repairs and renovation at the Trade Mart and Coliseum.

(14) On or before August 15, 1998, and each succeeding month thereafter through July 15, 2005, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars (\$2,000,000.00) into the special fund created under Section 69-37-39. On or before August 15, 2007, and each succeeding month thereafter through July 15, 2010, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars (\$2,000,000.00) into the special fund created under Section 69-37-39 until all debts or other obligations incurred by the Certified Cotton Growers Organization under the Mississippi Boll Weevil Management Act before January 1, 2007, are satisfied in full. On or before August 15, 2010, and each succeeding month thereafter through July 15, 2011, fifty percent (50%) of that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars (\$1,000,000.00). On or before August 15, 2011, and each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars (\$1,000,000.00).



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(15) Notwithstanding any other provision of this section to the contrary, on or before September 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1)(e)(i)2, and 27-65-19(e)(i)3 shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

(16) (a) On or before August 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 57-30-1 shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Sales Tax Incentive Fund created in Section 57-30-3.

(b) On or before August 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-26-1 through 57-26-5, shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Project Sales Tax Incentive Fund created in Section 57-26-3.

(17) Notwithstanding any other provision of this section to the contrary, on or before April 15, 2002, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under Section 27-65-23 on sales of parking services of parking garages and lots at airports shall be deposited, without diversion, into the special fund created under Section 27-5-101(d).

(18) [Repealed]

(19) (a) On or before August 15, 2005, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and the revenue collected on the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall, except as otherwise provided in this subsection (19), be deposited,

after all diversions, into the Redevelopment Project Incentive Fund as created in Section 57-91-9.

(b) For a municipality participating in the Economic Redevelopment Act created in Sections 57-91-1 through 57-91-11, the diversion provided for in subsection (1) of this section attributable to the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and attributable to the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall be deposited into the Redevelopment Project Incentive Fund as created in Section 57-91-9, as follows:

(i) For the first six (6) years in which payments are made to a developer from the Redevelopment Project Incentive Fund, one hundred percent (100%) of the diversion shall be deposited into the fund;

(ii) For the seventh year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, eighty percent (80%) of the diversion shall be deposited into the fund;

(iii) For the eighth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, seventy percent (70%) of the diversion shall be deposited into the fund;

(iv) For the ninth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, sixty percent (60%) of the diversion shall be deposited into the fund; and

(v) For the tenth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, fifty percent (50%) of the funds shall be deposited into the fund.

(20) On or before January 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-28-1 through 57-28-5 shall be deposited, after the diversions required in subsections (7)

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and (8) of this section, into the Tourism Sales Tax Incentive Fund created in Section 57-28-3.

(21) (a) On or before April 15, 2007, and each succeeding month thereafter through June 15, 2013, One Hundred Fifty Thousand Dollars (\$150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the MMEIA Tax Incentive Fund created in Section 57-101-3.

(b) On or before July 15, 2013, and each succeeding month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the Mississippi Development Authority Job Training Grant Fund created in Section 1 of this act.

(22) Notwithstanding any other provision of this section to the contrary, on or before August 15, 2009, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-201 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(23) The remainder of the amounts collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(24) It shall be the duty of the municipal officials of any municipality that expands its limits, or of any community that incorporates as a municipality, to notify the commissioner of that action thirty (30) days before the effective date. Failure to so notify the commissioner shall cause the municipality to forfeit the revenue that it would have been entitled to receive during this period of time when the commissioner had no knowledge of the action. If any funds have been erroneously disbursed to any municipality or any overpayment of tax is recovered by the taxpayer, the commissioner may make correction and adjust the error or overpayment with the municipality by withholding the necessary funds from any later payment to be made to the municipality.

**SECTION 4.** Section 57-73-21, Mississippi Code of 1972, is amended as follows:

**[In cases involving business enterprises that received or applied for the job tax credit authorized by this section prior to January 1, 2005, this section shall read as follows:]**

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the State Tax Commission shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Tax Commission qualify for the appropriate tax credit for jobs as provided in subsections (2), (3) and (4) of this section. The designation by the Tax Commission is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Tax Commission shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission



as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties that have been designated by the Tax Commission as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to One Thousand Dollars (\$1,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not



more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Tax Commission shall adjust the credit

allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the credits authorized in subsections (2), (3) and (4), an additional Five Hundred Dollars (\$500.00) credit for each net new full-time employee or an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars (\$2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of thirty-five (35) jobs must be created to qualify for the additional credit. The State Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the credits authorized in subsections (2), (3), (4) and (5), any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee.

(7) In lieu of the tax credits provided in subsections (2) through (6), any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the amounts provided in subsection (2), (3) or (4) for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be

administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (2), (3), (4), (5), (6) and (7) of this section. Except as otherwise provided, the Tax Commission shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Tax Commission shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Chairman of the

State Tax Commission may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(14) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

**[In cases involving business enterprises that apply for the job tax credit authorized by this section from and after January 1, 2005, this section shall read as follows:]**

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the\* \* \* Department of Revenue



shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the\* \* \* Department of Revenue qualify for the appropriate tax credit for jobs as provided in this section. The designation by the\* \* \* Department of Revenue is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the\* \* \* Department of Revenue shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises in counties designated by the\* \* \* Department of Revenue as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to ten percent (10%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the\* \* \* Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by ten (10) or more in a Tier Three area are eligible for the



credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The\* \* \* Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises in counties that have been designated by the\* \* \* Department of Revenue as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the\* \* \* Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The\* \* \* Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises in counties designated by the\* \* \* Department of Revenue as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to two and one-half percent (2.5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the\* \* \* Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing

the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The\* \* \* Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the other credits authorized in this section, an additional Five Hundred Dollars (\$500.00) credit for each net new full-time employee or an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars (\$2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of twenty (20) jobs must be created to qualify for the additional credit. The Mississippi Development Authority shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the other credits authorized in this section, any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee.

(7) In lieu of the other tax credits provided in this section, any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes

imposed by Section 27-7-5 equal to the percentage of payroll provided in subsection (2), (3) or (4) of this section for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the jobs. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) (a) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for increases in the annual payroll for net new full-time jobs created by business enterprises qualified under this section. The\* \* \* Department of Revenue shall adjust the credit allowed in the event of payroll fluctuations during the additional five (5) years of credit.

(b) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (5) and (6) of this section. The\* \* \* Department of Revenue shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The\* \* \* Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in

the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the\* \* \* Commissioner of Revenue may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) As used in this section:

(a) "Business enterprises" means entities primarily engaged in:

(i) Manufacturing, processing, warehousing, distribution, wholesaling and research and development, or

(ii) Permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise.



(b) "Telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(14) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(15) A business enterprise that chooses to receive job training assistance pursuant to Section 1 of this act shall not be eligible for the tax credits provided for in this section.

**SECTION 5.** Sections 57-101-1, 57-101-3 and 57-101-5, Mississippi Code of 1972, which create the MMEIA Tax Incentive Fund to pay a portion of the component construction material costs for certain projects, are repealed.

**SECTION 6.** Section 3 of this act shall take effect and be in force from and after its passage and the remainder of this act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 125**

**Description:** Child Death Review Panel; revise membership of and delete repealer on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 482

**History of Actions:**

- |    |       |  |
|----|-------|--|
| 1  | 01/11 | (H) Referred To Public Health and Human Services |
| 2  | 01/24 | (H) Title Suff Do Pass Comm Sub                  |
| 3  | 01/30 | (H) Committee Substitute Adopted                 |
| 4  | 01/30 | (H) Passed {Vote}                                |
| 5  | 02/01 | (H) Transmitted To Senate                        |
| 6  | 02/12 | (S) Referred To Public Health and Welfare        |
| 7  | 03/05 | (S) Title Suff Do Pass As Amended                |
| 8  | 03/12 | (S) Amended                                      |
| 9  | 03/12 | (S) Passed As Amended {Vote}                     |
| 10 | 03/13 | (S) Returned For Concurrence                     |
| 11 | 03/20 | (H) Concurred in Amend From Senate {Vote}        |
| 12 | 03/22 | (H) Enrolled Bill Signed                         |
| 13 | 03/22 | (S) Enrolled Bill Signed                         |
| 14 | 04/01 | Approved by Governor                             |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 125

**Code Section:** A 041-0111-0001

**----- Additional Information -----**

*House Committee:* Public Health and Human Services

*Senate Committee:* Public Health and Welfare

*Principal Author:* Formby

**2013 GENERAL LAWS OF MISSISSIPPI HB 125**

***Title:*** AN ACT TO AMEND SECTION 41-111-1, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE CHILD DEATH REVIEW PANEL; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 125

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Formby

### House Bill 125

(As Sent to Governor)

AN ACT TO AMEND SECTION 41-111-1, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE CHILD DEATH REVIEW PANEL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 41-111-1, Mississippi Code of 1972, is amended as follows:

41-111-1. (1) There is created the Child Death Review Panel, whose primary purpose is to foster the reduction of infant and child mortality and morbidity in Mississippi and to improve the health status of infants and children.

(2) The Child Death Review Panel shall be composed of\* \* \* seventeen (17) voting members: the State Medical Examiner or his representative, a pathologist on staff at the University of Mississippi Medical Center, an appointee of the Lieutenant Governor, an appointee of the Speaker of the House of Representatives, and one (1) representative from each of the following: the State Coroners Association, the Mississippi Chapter of the American Academy of Pediatrics, the Office of Vital Statistics in the State Department of Health, the Attorney General's office, the State Sheriff's Association, the Mississippi Police Chiefs Association, the Department of Human Services, the Children's Advocacy Center, the State Chapter of the March of Dimes, the State SIDS Alliance,\* \* \* the Mississippi Children's Justice Center, Safe Kids Mississippi, and the Mississippi State Fire Marshal's office.

(3) The Chairman of the Child Death Review Panel shall be elected annually by the Review Panel membership. The Review Panel shall develop and implement such procedures and policies necessary for its operation, including obtaining and protecting confidential records from the agencies and officials specified in subsection (4) of this section. The Review Panel shall be assigned to the State Department of

## 2013 GENERAL LAWS OF MISSISSIPPI HB 125

Health for administrative purposes only, and the department shall designate staff to assist the Review Panel.

(4) The Child Death Review Panel shall submit a report annually to the Chairmen of the House Public Health and Human Services Committee and the Senate Public Health and Welfare Committee on or before December 1. The report shall include the numbers, causes and relevant demographic information on child and infant deaths in Mississippi, and appropriate recommendations to the Legislature on how to most effectively direct state resources to decrease infant and child deaths in Mississippi. Data for the Review Panel's review and reporting shall be provided to the Review Panel, upon the request of the Review Panel, by the State Medical Examiner's office, State Department of Health, Department of Human Services, medical examiners, coroners, health care providers, law enforcement agencies, any other agencies or officials having information that is necessary for the Review Panel to carry out its duties under this section. The State Department of Health shall also be responsible for printing and distributing the annual report(s) on child and infant deaths in Mississippi.

(5) This section shall stand repealed on July 1, \* \* \* 2018.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 134**

**Description:** Physician assistants; extend repealers on authority for issuance of temporary license to certain.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 433

**History of Actions:**

1	01/11	(H)	Referred To Public Health and Human Services
2	01/22	(H)	Title Suff Do Pass
3	01/24	(H)	Passed {Vote}
4	01/25	(H)	Transmitted To Senate
5	01/25	(S)	Referred To Public Health and Welfare
6	03/05	(S)	Title Suff Do Pass
7	03/12	(S)	Passed {Vote}
8	03/13	(S)	Transmitted To House
9	03/15	(H)	Enrolled Bill Signed
10	03/15	(S)	Enrolled Bill Signed
11	03/21		Approved by Governor

**Code Section:** A 073-0026-0003

**----- Additional Information -----**

**House Committee:** Public Health and Human Services

**Senate Committee:** Public Health and Welfare

**Principal Author:** Formby

**Title:** AN ACT TO AMEND SECTION 73-26-3, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT AUTHORIZES THE ISSUANCE OF A TEMPORARY LICENSE TO CERTAIN APPLICANTS FOR LICENSURE AS A PHYSICIAN ASSISTANT; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 134

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Formby

**House Bill 134**

(As Sent to Governor)

AN ACT TO AMEND SECTION 73-26-3, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT AUTHORIZES THE ISSUANCE OF A TEMPORARY LICENSE TO CERTAIN APPLICANTS FOR LICENSURE AS A PHYSICIAN ASSISTANT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-26-3, Mississippi Code of 1972, is amended as follows:

73-26-3. (1) The State Board of Medical Licensure shall license and regulate the practice of physician assistants in accordance with the provisions of this chapter.

(2) All physician assistants who are employed as physician assistants by a Department of Veterans Affairs health care facility, a branch of the United States military or the Federal Bureau of Prisons, and who are practicing as physician assistants in a federal facility in Mississippi on July 1, 2000, and those physician assistants who trained in a Mississippi physician assistant program and have been continuously practicing as a physician assistant in Mississippi since 1976, shall be eligible for licensure if they submit an application for licensure to the board by December 31, 2000. Physician assistants licensed under this subsection will be eligible for license renewal so long as they meet standard renewal requirements.

(3) Before December 31, 2004, applicants for physician assistant licensure, except those licensed under subsection (2) of this section, must be graduates of physician assistant educational programs accredited by the Commission on Accreditation of Allied Health Educational Programs or its predecessor or successor agency, have passed the certification examination administered by the National Commission on Certification of Physician Assistants (NCCPA), have current NCCPA certification, and possess a minimum of a baccalaureate

degree. Physician assistants meeting these licensure requirements will be eligible for license renewal so long as they meet standard renewal requirements.

(4) On or after December 31, 2004, applicants for physician assistant licensure must meet all of the requirements in subsection (3) of this section and, in addition, must have obtained a minimum of a master's degree in a health-related or science field.

(5) Applicants for licensure who meet all licensure requirements except for the master's degree may be granted a temporary license by the board so long as they can show proof of enrollment in a master's program that will, when completed, meet the master's degree requirement. The temporary license will be valid for no longer than one (1) year, and may not be renewed. This subsection shall stand repealed on July 1, \* \* \* 2016.

(6) For new graduate physician assistants and all physician assistants receiving initial licenses in the state, except those licensed under subsection (2) of this section, supervision shall require the on-site presence of a supervising physician for one hundred twenty (120) days.

(7) To qualify for a Mississippi physician assistant license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for

licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 135**

**Description:** Southern Arts & Entertainment Center; conform law to center's name change of "Mississippi Arts & Entertainment Center."

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 460

**History of Actions:**

1	01/11	(H)	Referred To Tourism
2	01/30	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/12	(S)	Referred To Tourism
6	03/05	(S)	Title Suff Do Pass
7	03/12	(S)	Amended
8	03/12	(S)	Passed As Amended {Vote}
9	03/13	(S)	Returned For Concurrence
10	03/14	(H)	Concurred in Amend From Senate {Vote}
11	03/18	(H)	Enrolled Bill Signed
12	03/19	(S)	Enrolled Bill Signed
13	03/25		Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 135

**Code Section:** A 039-0025-0001

**----- Additional Information -----**

**House Committee:** Tourism

**Senate Committee:** Tourism

**Principal Author:** Snowden

**2013 GENERAL LAWS OF MISSISSIPPI HB 135**

***Title:*** AN ACT TO AMEND SECTION 39-25-1, MISSISSIPPI CODE OF 1972, WHICH IS THE LAW PERTAINING TO THE SOUTHERN ARTS AND ENTERTAINMENT CENTER IN MERIDIAN, MISSISSIPPI, TO CONFORM THE LAW TO THE CENTER'S NAME CHANGE TO THE "MISSISSIPPI ARTS AND ENTERTAINMENT CENTER"; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 135

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Tourism

By: Representative Snowden

**House Bill 135**

(As Sent to Governor)

AN ACT TO AMEND SECTION 39-25-1, MISSISSIPPI CODE OF 1972, WHICH IS THE LAW PERTAINING TO THE SOUTHERN ARTS AND ENTERTAINMENT CENTER IN MERIDIAN, MISSISSIPPI, TO CONFORM THE LAW TO THE CENTER'S NAME CHANGE TO THE "MISSISSIPPI ARTS AND ENTERTAINMENT CENTER"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 39-25-1, Mississippi Code of 1972, is amended as follows:

39-25-1. (1) There is established the\* \* \* Mississippi Arts and Entertainment Center ("center") to be housed in a facility or facilities located within the corporate limits of Meridian, Mississippi. The purpose of the center shall be to provide an educational, entertaining and interactive facility to\* \* \* capture the essence of Mississippi's legacy in the arts and celebrate the richness and depth of that legacy and the Mississippians who created it with the world; and to provide family-oriented attractions in the delivery of an educational experience to citizens of, and visitors to, Mississippi.

(2) The center shall\* \* \* be a state-of-the-art facility which may include, but not be limited to, MAEC exhibits, a state-sanctioned Mississippi Arts and Entertainment Hall of Fame inducting icons in all genres of arts and entertainment, Walk of Fame, auditorium, outdoor performance plaza, and broadcast/recording facility. The center will prove a vast educational resource for individuals and educators offering unparalleled insight into the lives and stories of Mississippi arts and entertainment treasures through seminars, workshops and demonstrations by guest professionals and/or amateur artists.

(3) The duties and objectives of the center shall be:

## 2013 GENERAL LAWS OF MISSISSIPPI HB 135

(a) To stimulate and encourage throughout the state the study and presentation of the performing, visual, and literary arts and public interest and participation therein;

(b) To encourage participation in, appreciation of, and education in the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(c) To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of Mississippi and the south to expand the state's cultural resources, and to promote the use of art in state government's activities and facilities; and

(d) To encourage excellence and assist freedom of artistic expression essential for the well-being of the arts.

(4) The center is authorized to hold public hearings, to enter into contracts within the limit of funds available therefor, with individuals, organizations and institutions for services furthering the objectives of the center's programs; to enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the objectives of the center's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this section.

(5) The Department of Finance and Administration may enter into any agreement with a nonprofit corporation necessary for the construction, operation and administration of the center. For the construction, operation and administration of the center, such nonprofit corporation may receive and expend any funds made available in any manner by public or private sources and may receive contributions and donations of land or other property and other forms of financial assistance and property, equipment, materials or manpower from persons, foundations, trust funds, corporations, organizations, and other public or private sources to be expended and used in carrying out the mission of the center. \* \* \*

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 141**

**Description:** Counties and municipalities; prohibit from establishing mandatory minimum wage.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 445

**History of Actions:**

1	01/11	(H)	Referred To Workforce Development
2	01/31	(H)	Title Suff Do Pass
3	02/12	(H)	Passed {Vote}
4	02/12	(H)	Motion to Reconsider Entered (Evans (70th), Bell)
5	02/15	(H)	Reconsidered
6	02/15	(H)	Amended
7	02/15	(H)	Passed As Amended {Vote}
8	02/15	(H)	Motion to Reconsider Entered (Evans (70th), Bell)
9	02/18	(H)	Motion to Reconsider Tabled
10	02/20	(H)	Transmitted To Senate
11	02/22	(S)	Referred To Accountability, Efficiency, Transparency
12	02/28	(S)	Title Suff Do Pass
13	03/08	(S)	Passed {Vote}
14	03/08	(S)	Motion to Reconsider Entered
15	03/14	(S)	Motion to Reconsider Tabled
16	03/14	(S)	Transmitted To House
17	03/18	(H)	Enrolled Bill Signed
18	03/19	(S)	Enrolled Bill Signed
19	03/25		Approved by Governor

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

----- Additional Information -----

*House Committee:* Workforce Development

*Senate Committee:* Accountability, Efficiency, Transparency

*Principal Author:* Turner

*Title:* AN ACT TO PROHIBIT A COUNTY, BOARD OF SUPERVISORS OF A COUNTY, MUNICIPALITY OR GOVERNING AUTHORITY OF A MUNICIPALITY FROM ESTABLISHING A MANDATORY, MINIMUM LIVING WAGE RATE, MINIMUM NUMBER OF VACATION OR SICK DAYS, THAT WOULD REGULATE HOW A PRIVATE EMPLOYER PAYS ITS EMPLOYEES; TO PROVIDE THAT THE LEGISLATURE FINDS THAT THESE PROHIBITIONS ARE NECESSARY TO ENSURE AN ECONOMIC CLIMATE CONDUCIVE TO NEW BUSINESS DEVELOPMENT AND JOB GROWTH IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 141

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Workforce Development

By: Representative Turner

### House Bill 141

(As Sent to Governor)

AN ACT TO PROHIBIT A COUNTY, BOARD OF SUPERVISORS OF A COUNTY, MUNICIPALITY OR GOVERNING AUTHORITY OF A MUNICIPALITY FROM ESTABLISHING A MANDATORY, MINIMUM LIVING WAGE RATE, MINIMUM NUMBER OF VACATION OR SICK DAYS, THAT WOULD REGULATE HOW A PRIVATE EMPLOYER PAYS ITS EMPLOYEES; TO PROVIDE THAT THE LEGISLATURE FINDS THAT THESE PROHIBITIONS ARE NECESSARY TO ENSURE AN ECONOMIC CLIMATE CONDUCIVE TO NEW BUSINESS DEVELOPMENT AND JOB GROWTH IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) No county, board of supervisors of a county, municipality or governing authority of a municipality is authorized to establish a mandatory, minimum living wage rate, minimum number of vacation or sick days, whether paid or unpaid, that would regulate how a private employer pays its employees. Each county, board of supervisors of a county, municipality or governing authority of a municipality shall be prohibited from establishing a mandatory, minimum living wage rate, minimum number of vacation or sick days, whether paid or unpaid, that would regulate how a private employer pays its employees.

(2) The Legislature finds that the prohibitions of subsection (1) of this section are necessary to ensure an economic climate conducive to new business development and job growth in the State of Mississippi. We believe that inconsistent application of wage and benefit laws from city to city or county to county must be avoided. While not suggesting a state minimum wage or minimum benefit package, any debate and subsequent action on these matters should be assigned to the Mississippi Legislature as provided in Section 25-3-40, and not local counties or municipalities.

(3) The Legislature further finds that wages and employee benefits comprise the most significant expense of operating a business. It also recognizes that neither potential employees



or business patrons are likely to restrict themselves to employment opportunities or goods and services in any particular county or municipality. Consequently, local variations in legally required minimum wage rates or mandatory minimum number of vacation or sick leave days would threaten many businesses with a loss of employees to local governments which require a higher minimum wage rate and many other businesses with the loss of patrons to areas which allow for a lower wage rate and more or less vacation or sick days. The net effect of this situation would be detrimental to the business environment of the state and to the citizens, businesses and governments of the local jurisdictions as well as the local labor markets.

(4) The Legislature concludes from these findings that, in order for a business to remain competitive and yet attract and retain the highest possible caliber of employees, and thereby remain sound, an enterprise must work in a uniform environment with respect to minimum wage rates, and mandatory minimum number of vacation or sick leave days. The net impact of local variations in mandated wages and mandatory minimum number of vacation or sick leave days would be economically unstable and create a decline and decrease in the standard of living for the citizens of the state. Consequently, decisions regarding minimum wage, living wage and other employee benefit policies must be made by the state as provided in Section 25-3-40, so that consistency in the wage market is preserved.

**SECTION 2.** The provisions of this act shall not impede or supersede a municipality's authority granted under Sections 17-21-1, 17-21-5 and 17-21-7.

**SECTION 3.** This act shall not be construed to limit the authority of counties and municipalities to grant tax exemptions authorized by state law.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 178**

**Description:** Agricultural crimes; revise crime of livestock theft.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 458

**History of Actions:**

- |    |       |     |                                       |
|----|-------|-----|---------------------------------------|
| 1  | 01/14 | (H) | Referred To Judiciary B               |
| 2  | 01/24 | (H) | Title Suff Do Pass                    |
| 3  | 01/25 | (H) | Passed {Vote}                         |
| 4  | 01/28 | (H) | Transmitted To Senate                 |
| 5  | 02/15 | (S) | Referred To Agriculture               |
| 6  | 02/25 | (S) | Title Suff Do Pass                    |
| 7  | 03/07 | (S) | Amended                               |
| 8  | 03/07 | (S) | Passed As Amended {Vote}              |
| 9  | 03/08 | (S) | Returned For Concurrence              |
| 10 | 03/14 | (H) | Concurred in Amend From Senate {Vote} |
| 11 | 03/18 | (H) | Enrolled Bill Signed                  |
| 12 | 03/19 | (S) | Enrolled Bill Signed                  |
| 13 | 03/25 |     | Approved by Governor                  |

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 178

**Code Section:** A 097-0017-0053

**----- Additional Information -----**

**House Committee:** Judiciary B

**Senate Committee:** Agriculture

**Principal Author:** Shows

**Additional Authors:** DeBar

***Title:*** AN ACT TO AMEND SECTION 97-17-53, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIME OF THEFT OF LIVESTOCK TO INCLUDE THE KNOWING AND WILLFUL STEALING OR CARRYING AWAY OF LIVESTOCK AS LARCENY; TO PROVIDE THAT THE TOTAL VALUE OF THE LIVESTOCK OBTAINED FROM THE INDIVIDUAL OWNER OR MERCHANT SHALL BE AGGREGATED IN DETERMINING THE GRAVITY OF THE OFFENSE; TO PROVIDE THAT PERSONS SUBJECT TO CERTAIN PROVISIONS OF THE PACKERS AND STOCKYARDS ACT WHO FAIL TO MAKE FULL PAYMENT FOR LIVESTOCK OBTAINED FROM A COMMISSION MERCHANT OR LIVESTOCK OWNER IS PRIMA FACIA EVIDENCE OF FRAUDULENT CONDUCT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 178

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Shows, DeBar

**House Bill 178**

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-17-53, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIME OF THEFT OF LIVESTOCK TO INCLUDE THE KNOWING AND WILLFUL STEALING OR CARRYING AWAY OF LIVESTOCK AS LARCENY; TO PROVIDE THAT THE TOTAL VALUE OF THE LIVESTOCK OBTAINED FROM THE INDIVIDUAL OWNER OR MERCHANT SHALL BE AGGREGATED IN DETERMINING THE GRAVITY OF THE OFFENSE; TO PROVIDE THAT PERSONS SUBJECT TO CERTAIN PROVISIONS OF THE PACKERS AND STOCKYARDS ACT WHO FAIL TO MAKE FULL PAYMENT FOR LIVESTOCK OBTAINED FROM A COMMISSION MERCHANT OR LIVESTOCK OWNER IS PRIMA FACIA EVIDENCE OF FRAUDULENT CONDUCT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 97-17-53, Mississippi Code of 1972, is amended as follows:

97-17-53. (1) (a) If any person shall knowingly, willfully and feloniously take, steal and carry away livestock of any value belonging to another\* \* \* without the consent of the\* \* \* owner, he\* \* \* is guilty of larceny\* \* \* and punishable pursuant to Section 97-17-41 or 97-17-43 depending on the gravity of the offense. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.

(b) If any person obtains livestock belonging to another by means of any fraudulent conduct, practice or representation, he is guilty of fraud and punishable pursuant to Section 97-17-39. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.

(c) Obtaining livestock from a commission merchant or livestock owner by representing that prompt payment will be made pursuant to Section 409 of the Packers and Stockyards Act, 7 USCS Section 228b, and failing to make prompt payment

in accordance therewith, shall constitute prima facia evidence of fraudulent conduct, practices or representation.

(2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any such stolen livestock. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the livestock, including any loss of income, any court costs and attorney's fees incurred by the owner to recover the stolen livestock, the current replacement value of the stolen livestock if the livestock is not recovered, and any other costs incurred by the owner as a result of actions in violation of subsection (1) of this section.

(3) For purposes of this section, the term "livestock"\* \* \* means horses, cattle, swine, sheep and other domestic animals produced for profit.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 240**

**Description:** Controlled Substance Law; clarify notice for administrative forfeiture.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 484

**History of Actions:**

- 1 01/14 (H) Referred To Judiciary B
- 2 02/05 (H) Title Suff Do Pass
- 3 02/13 (H) Tabled Subject To Call
- 4 02/14 (H) Passed {Vote}
- 5 02/14 (H) Motion to Reconsider Entered (Gipson, Buck  
(72nd))
- 6 02/15 (H) Motion to Reconsider Tabled
- 7 02/15 (H) Transmitted To Senate
- 8 02/19 (S) Referred To Judiciary, Division B
- 9 03/05 (S) Title Suff Do Pass As Amended
- 10 03/13 (S) Amended
- 11 03/13 (S) Passed As Amended {Vote}
- 12 03/15 (S) Returned For Concurrence
- 13 03/20 (H) Concurred in Amend From Senate {Vote}
- 14 03/22 (H) Enrolled Bill Signed
- 15 03/22 (S) Enrolled Bill Signed
- 16 04/01 Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 240

**Code Section:** A 041-0029-0176

**----- Additional Information -----**

**House Committee:** Judiciary B

*Senate Committee:* Judiciary, Division B

*Principal Author:* Baker

*Title:* AN ACT TO AMEND SECTION 41-29-176, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF AN INTERNET SITE BY THE BUREAU OF NARCOTICS FOR NOTICE FOR ADMINISTRATIVE FORFEITURE UNDER THE UNIFORM CONTROLLED SUBSTANCES LAW; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 240

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representative Baker

### House Bill 240

(As Sent to Governor)

AN ACT TO AMEND SECTION 41-29-176, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF AN INTERNET SITE BY THE BUREAU OF NARCOTICS FOR NOTICE FOR ADMINISTRATIVE FORFEITURE UNDER THE UNIFORM CONTROLLED SUBSTANCES LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 41-29-176, Mississippi Code of 1972, is amended as follows:

41-29-176. (1) When any property other than a controlled substance, raw material or paraphernalia, the value of which does not exceed Twenty Thousand Dollars (\$20,000.00), is seized under the Uniform Controlled Substances Law, the property may be forfeited by the administrative forfeiture procedures provided for in this section.

(2) The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to Section 41-29-177(2), Mississippi Code of 1972.

(3) In the event that notice of intention to forfeit the seized property administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks. However, if the value of the property seized does not exceed Ten Thousand Dollars (\$10,000.00), substitute notice under this subsection (3) of intention to administratively forfeit the property may be made by posting a notice on an official state government forfeiture site for at least thirty (30) consecutive days. The site shall be created and maintained by the Mississippi

## 2013 GENERAL LAWS OF MISSISSIPPI HB 240

Bureau of Narcotics. Should other seizing law enforcement agencies choose to utilize the site for Internet publication, the bureau may charge a reasonable fee for such usage.

(4) Notice pursuant to subsections (2) and (3) of this section shall include the following information:

(a) A description of the property;

(b) The approximate value of the property;

(c) The date and place of the seizure;

(d) The connection between the property and the violation of the Uniform Controlled Substances Law;

(e) The instructions for filing a request for judicial review; and

(f) A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.

(5) Any person claiming an interest in property which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the property. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.

(6) If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, distributed or disposed of in accordance with the provisions of Section 41-29-181, Mississippi Code of 1972.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2014.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 261**

**Description:** Transportation; revise certain restrictions on design-built projects of the Mississippi Transportation Commission.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 431

**History of Actions:**

1	01/14	(H)	Referred To Transportation; Appropriations
2	01/29	(H)	DR - TSDPCS: TR To AP
3	01/31	(H)	DR - TSDPCS: AP To TR
4	01/31	(H)	Title Suff Do Pass Comm Sub
5	02/13	(H)	Committee Substitute Adopted
6	02/13	(H)	Passed {Vote}
7	02/15	(H)	Transmitted To Senate
8	02/19	(S)	Referred To Highways and Transportation
9	03/05	(S)	Title Suff Do Pass
10	03/12	(S)	Passed {Vote}
11	03/13	(S)	Transmitted To House
12	03/15	(H)	Enrolled Bill Signed
13	03/15	(S)	Enrolled Bill Signed
14	03/21		Approved by Governor

**Code Section:** A 065-0001-0085

**----- Additional Information -----**

**House Committee:** Transportation, Appropriations

**Senate Committee:** Highways and Transportation

**Principal Author:** Johnson

**Title:** AN ACT TO AMEND SECTION 65-1-85, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN RESTRICTIONS ON DESIGN-BUILT PROJECTS OF THE MISSISSIPPI TRANSPORTATION COMMISSION; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 261

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation; Appropriations

By: Representative Johnson

**House Bill 261**

(As Sent to Governor)

AN ACT TO AMEND SECTION 65-1-85, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN RESTRICTIONS ON DESIGN-BUILD PROJECTS OF THE MISSISSIPPI TRANSPORTATION COMMISSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 65-1-85, Mississippi Code of 1972, is amended as follows:

65-1-85. (1) All contracts by or on behalf of the commission for the purchase of materials, equipment and supplies shall be made in compliance with Section 31-7-1 et seq. All contracts by or on behalf of the commission for construction, reconstruction or other public work authorized to be done under the provisions of this chapter, except maintenance, shall be made by the executive director, subject to the approval of the commission, only upon competitive bids after due advertisement as follows, to wit:

(a) Advertisement for bids shall be in accordance with such rules and regulations, in addition to those herein provided, as may be adopted therefor by the commission, and the commission is authorized and empowered to make and promulgate such rules and regulations as it may deem proper, to provide and adopt standard specifications for road and bridge construction, and to amend such rules and regulations from time to time.

(b) The advertisement shall be inserted twice, being once a week for two (2) successive weeks in a newspaper published at the seat of government in Jackson, Mississippi, having a general circulation throughout the state, and no letting shall be less than fourteen (14) days nor more than sixty (60) days after the publication of the first notice of such letting, and notices of such letting may be placed in a metropolitan paper or national trade publication.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 261

(c) Before advertising for such work, the executive director shall cause to be prepared and filed in the department detailed plans and specifications covering the work proposed to be done and copies of the plans and specifications shall be subject to inspection by any citizen during all office hours and made available to all prospective bidders upon such reasonable terms and conditions as may be required by the commission. A fee shall be charged equal to the cost of producing a copy of any such plans and specifications.

(d) All such contracts shall be let to a responsible bidder with the lowest and best bid, and a record of all bids received for construction and reconstruction shall be preserved.

(e) Each bid for such a construction and reconstruction contract must be accompanied by a cashier's check, a certified check or bidders bond executed by a surety company authorized to do business in the State of Mississippi, in the principal amount of not less than five percent (5%) of the bid, guaranteeing that the bidder will give bond and enter into a contract for the faithful performance of the contract according to plans and specifications on file.

(f) Bonds shall be required of the successful bidder in an amount equal to the contract price. The contract price shall mean the entire cost of the particular contract let. In the event change orders are made after the execution of a contract which results in increasing the total contract price, additional bond in the amount of the increased cost may be required. The surety or sureties on such bonds shall be a surety company or surety companies authorized to do business in the State of Mississippi, all bonds to be payable to the State of Mississippi and to be conditioned for the prompt, faithful and efficient performance of the contract according to plans and specifications, and for the prompt payment of all persons furnishing labor, material, equipment and supplies therefor. Such bonds shall be subject to the additional obligation that the principal and surety or sureties executing the same shall be liable to the state in a civil action instituted by the state at the instance of the commission or any officer of the state authorized in such cases, for double any amount in money or property the state may lose or be overcharged or otherwise defrauded of by reason of any wrongful or criminal act, if any, of the contractor, his agent or employees.

(2) With respect to equipment used in the construction, reconstruction or other public work authorized to be done under the provisions of this chapter: the word "equipment," in addition to all equipment incorporated into or fully consumed in connection with such project, shall include the reasonable value of the use of all equipment of every kind and character and all accessories and attachments thereto which are reasonably necessary to be used and which are used in carrying out the performance of the contract, and the reasonable value of the use thereof, during the period of time the same are used in carrying out the performance of the contract, shall be the amount as agreed upon by the persons furnishing the equipment and those using the same to be paid therefor, which amount, however, shall not be in excess of the maximum current rates and charges allowable for leasing or renting as specified in Section 65-7-95; the word "labor" shall include all work performed in repairing equipment used in carrying out the performance of the contract, which repair labor is reasonably necessary to the efficient operation of said equipment; and the words "materials" and "supplies" shall include all repair parts installed in or on equipment used in carrying out the performance of the contract, which repair parts are reasonably necessary to the efficient operation of said equipment.

(3) The executive director, subject to the approval of the commission, shall have the right to reject any and all bids, whether such right is reserved in the notice or not.

(4) The commission may require the prequalification of any and all bidders and the failure to comply with prequalification requirements may be the basis for the rejection of any bid by the commission. The commission may require the prequalification of any and all subcontractors before they are approved to participate in any contract awarded under this section.

(5) The commission may adopt rules and regulations for the termination of any previously awarded contract which is not timely proceeding toward completion. The failure of a contractor to comply with such rules and regulations shall be a lawful basis for the commission to terminate the contract with such contractor. In the event of a termination under such rules and regulations, the contractor shall not be entitled to any payment, benefit or damages beyond the cost of the work actually completed.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 261

(6) Any contract for construction or paving of any highway may be entered into for any cost which does not exceed the amount of funds that may be made available therefor through bond issues or from other sources of revenue, and the letting of contracts for such construction or paving shall not necessarily be delayed until the funds are actually on hand, provided authorization for the issuance of necessary bonds has been granted by law to supplement other anticipated revenue, or when the department certifies to the Department of Finance and Administration and the Legislative Budget Office that projected receipts of funds by the department will be sufficient to pay such contracts as they become due and the Department of Finance and Administration determines that the projections are reasonable and receipts will be sufficient to pay the contracts as they become due. The Department of Finance and Administration shall spread such determination on its minutes prior to the letting of any contracts based on projected receipts. Nothing in this subsection shall prohibit the issuance of bonds, which have been authorized, at any time in the discretion of the State Bond Commission, nor to prevent investment of surplus funds in United States government bonds or State of Mississippi bonds as presently authorized by Section 12, Chapter 312, Laws of 1956.

(7) All other contracts for work to be done under the provisions of this chapter and for the purchase of materials, equipment and supplies to be used as provided for in this chapter shall be made in compliance with Section 31-7-1 et seq.

(8) The commission shall not empower or authorize the executive director, or any one or more of its members, or any engineer or other person to let or make contracts for the construction or repair of public roads, or building bridges, or for the purchase of material, equipment or supplies contrary to the provisions of this chapter as set forth in this section, except in cases of flood or other cases of emergency where the public interest requires that the work be done or the materials, equipment or supplies be purchased without the delay incident to advertising for competitive bids. Such emergency contracts may be made without advertisement under such rules and regulations as the commission may prescribe.

(9) The executive director, subject to the approval of the commission, is authorized to negotiate and make agreements



with communities and/or civic organizations for landscaping, beautification and maintenance of highway rights-of-way; however, nothing in this subsection shall be construed as authorization for the executive director or commission to participate in such a project to an extent greater than the average cost for maintenance of shoulders, backslopes and median areas with respect thereto.

(10) The executive director may negotiate and enter into contracts with private parties for the mowing of grass and trimming of vegetation on the rights-of-way of state highways whenever such practice is possible and cost effective.

(11) (a) As an alternative to the method of awarding contracts as otherwise provided in this section, the commission may use the design-build method of contracting for the following:

(i) Projects for the Mississippi Development Authority pursuant to agreements between both governmental entities;

(ii) Any project with an estimated cost of not more than Ten Million Dollars (\$10,000,000.00), not to exceed two (2) projects per fiscal year; and

(iii) Any project which has an estimated cost of more than\* \* \* Ten Million Dollars (\$10,000,000.00), not to exceed one (1) project per fiscal year.

(b) As used in this subsection, the term "design-build" method of contracting means a contract that combines the design and construction phases of a project into a single contract and the contractor is required to satisfactorily perform, at a minimum, both the design and construction of the project.

(c) The commission shall establish detailed criteria for the selection of the successful design-build contractor in each request for design-build proposals. The evaluation of the selection committee is a public record and shall be maintained for a minimum of ten (10) years after project completion.

(d) The commission shall maintain detailed records on projects separate and apart from its regular record keeping. The commission shall file a report to the Legislature evaluating the design-build method of contracting by comparing it to the low-bid method of contracting. At a minimum, the report must include:



## 2013 GENERAL LAWS OF MISSISSIPPI HB 261

(i) The management goals and objectives for the design-build system of management;

(ii) A complete description of the components of the design-build management system, including a description of the system the department put into place on all projects managed under the system to insure that it has the complete information on highway segment costs and to insure proper analysis of any proposal the commission receives from a highway contractor;

(iii) The accountability systems the Transportation Department established to monitor any design-build project's compliance with specific goals and objectives for the project;

(iv) The outcome of any project or any interim report on an ongoing project let under a design-build management system showing compliance with the goals, objectives, policies and procedures the department set for the project; and

(v) The method used by the department to select projects to be let under the design-build system of management and all other systems, policies and procedures that the department considered as necessary components to a design-build management system.

(e) All contracts let under the provisions of this subsection shall be subject to oversight and review by the State Auditor. The State Auditor shall file a report with the Legislature on or before January 1 of each year detailing his findings with regard to any contract let or project performed in violation of the provisions of this subsection. The actual and necessary expenses incurred by the State Auditor in complying with this paragraph (e) shall be paid for and reimbursed by the Mississippi Department of Transportation out of funds made available for the contract or contracts let and project or projects performed.

(12) The provisions of this section shall not be construed to prohibit the commission from awarding or entering into contracts for the design, construction and financing of toll roads, highways and bridge projects as provided under Sections 65-43-1 and 65-43-3.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 317**

**Description:** Community colleges; provide for optional out-of-state waiver policy to be determined by board of each college.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 438

**History of Actions:**

- 1 01/14 (H) Referred To Universities and Colleges
- 2 01/30 (H) Title Suff Do Pass Comm Sub
- 3 02/07 (H) Committee Substitute Adopted
- 4 02/07 (H) Passed {Vote}
- 5 02/07 (H) Motion to Reconsider Entered (Turner, Mettetal, Holloway)
- 6 02/13 (H) Reconsidered
- 7 02/13 (H) Amended
- 8 02/13 (H) Passed As Amended {Vote}
- 9 02/18 (H) Transmitted To Senate
- 10 02/20 (S) Referred To Universities and Colleges; Accountability, Efficiency, Transparency
- 11 03/04 (S) DR - TSDPAA: UC To AC
- 12 03/05 (S) Title Suff Do Pass As Amended
- 13 03/07 (S) Amended
- 14 03/07 (S) Passed As Amended {Vote}
- 15 03/08 (S) Returned For Concurrence
- 16 03/13 (H) Concurred in Amend From Senate {Vote}
- 17 03/18 (H) Enrolled Bill Signed
- 18 03/19 (S) Enrolled Bill Signed
- 19 03/25 Approved by Governor

**Amendments:**

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

**2013 GENERAL LAWS OF MISSISSIPPI HB 317**

Amendment Report for House Bill No. 317

**Code Section:** A 037-0103-0025

**----- Additional Information -----**

***House Committee:*** Universities and Colleges

***Senate Committee:*** Universities and Colleges, Accountability, Efficiency, Transparency

***Principal Author:*** Snowden

***Additional Authors:*** Miles, Dixon

***Title:*** AN ACT TO AMEND SECTION 37-103-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARDS OF TRUSTEES OF THE COMMUNITY COLLEGES AND JUNIOR COLLEGES TO APPROVE POLICIES PERMITTING THE WAIVER OF OUT-OF-STATE TUITION FOR NONRESIDENT STUDENTS EMPLOYED BY MISSISSIPPI-BASED COMPANIES; AND FOR RELATED PURPOSES.

# 2013 GENERAL LAWS OF MISSISSIPPI HB 317

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Universities and Colleges

By: Representatives Snowden, Miles, Dixon

## House Bill 317

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-103-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARDS OF TRUSTEES OF THE COMMUNITY COLLEGES AND JUNIOR COLLEGES TO APPROVE POLICIES PERMITTING THE WAIVER OF OUT-OF-STATE TUITION FOR NONRESIDENT STUDENTS EMPLOYED BY MISSISSIPPI-BASED COMPANIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-103-25, Mississippi Code of 1972, is amended as follows:

37-103-25. (1) The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges and junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community colleges and junior colleges of the State of Mississippi.

(2) Except as otherwise provided in this subsection and\* \* \* subsections (3) and (4) of this section, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established under subsection (1) of this section if:

(a) The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both;

(b) The nonresident student is a veteran who served in the Armed Forces of the United States;

(c) The nonresident student is domiciled in Mississippi no later than six (6) months after the nonresident student's separation from service, as evidenced by a Report of Separation

from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community or junior college;

(d) The nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only; or

(e) The nonresident student's out-of-state tuition was waived according to subsection (3) or (4) of this section.

(3) The Board of Trustees of State Institutions of Higher Learning may, in its discretion, consider and grant requests to approve institution specific policies permitting the waiver of out-of-state tuition when such an official request is made by the president or chancellor of the institution and when such request is determined by the board to be fiscally responsible and in accordance with the educational mission of the requesting institution.

(4) The board of trustees of any community college or junior college may develop and implement a policy for waiving out-of-state tuition for the college if the policy is determined by the board to be in accordance with the educational mission of the college and if a local industry or business or a state agency agrees to reimburse the college for the entire amount of the out-of-state tuition that will be waived under the policy. State funds shall be allocated and spent only on students who reside within the State of Mississippi. However, associate degree nursing students who reside outside the State of Mississippi may be counted for pay purposes.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 387**

**Description:** Agriculture equipment dealers; include all-terrain and off-road utility vehicles in inventory protection.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 457

**History of Actions:**

1	01/21	(H)	Referred To Agriculture; Judiciary A
2	02/04	(H)	DR - TSDP: AG To JA
3	02/05	(H)	DR - TSDP: JA To AG
4	02/05	(H)	Title Suff Do Pass
5	02/07	(H)	Passed {Vote}
6	02/08	(H)	Transmitted To Senate
7	02/19	(S)	Referred To Agriculture
8	02/28	(S)	Title Suff Do Pass As Amended
9	03/08	(S)	Amended
10	03/08	(S)	Passed As Amended {Vote}
11	03/11	(S)	Returned For Concurrence
12	03/12	(H)	Concurred in Amend From Senate {Vote}
13	03/18	(H)	Enrolled Bill Signed
14	03/19	(S)	Enrolled Bill Signed
15	03/25		Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 387

**Code Section:** A 075-0077-0001, A 075-0077-0009

**----- Additional Information -----**

**House Committee:** Agriculture, Judiciary A

**Senate Committee:** Agriculture

**Principal Author:** Baker

***Title:*** AN ACT TO AMEND SECTIONS 75-77-1 AND 75-77-9, MISSISSIPPI CODE OF 1972, TO INCLUDE ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE LAW REGARDING THE REPURCHASE OF INVENTORY FROM RETAILERS UPON TERMINATION OF A RETAIL CONTRACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 387

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Agriculture; Judiciary A

By: Representative Baker

**House Bill 387**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 75-77-1 AND 75-77-9, MISSISSIPPI CODE OF 1972, TO INCLUDE ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE LAW REGARDING THE REPURCHASE OF INVENTORY FROM RETAILERS UPON TERMINATION OF A RETAIL CONTRACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 75-77-1, Mississippi Code of 1972, is amended as follows:

75-77-1. For the purposes of this chapter the following words and phrases have the following meanings unless the context otherwise requires:

(a) "Current model" means a model listed in the wholesaler's, manufacturer's or distributor's current sales manual or any supplements thereto;

(b) "Current net price" means the price listed in the supplier's price list or catalogue in effect at the time the contract is cancelled or discontinued, less any applicable trade and cash discounts;

(c) "Retailer" means any person, firm or corporation engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, outdoor power equipment, all-terrain vehicles, off-road utility vehicles, attachments or repair parts and shall not include retailers of petroleum products;

(d) "Inventory" means farm implements, machinery, utility and industrial equipment, consumer products, outdoor power equipment, attachments and repair parts;

(e) "Supplier" means any manufacturer, wholesaler, wholesale distributor, or any purchaser of assets or stock of any surviving corporation resulting from a merger or liquidations, any receiver or assignee, or any trustee of the original manufacturer, wholesaler or distributor; and

## 2013 GENERAL LAWS OF MISSISSIPPI HB 387

(f) "Superseded parts" means any part that will provide the same function as a currently available part as of the date of cancellation.

**SECTION 2.** Section 75-77-9, Mississippi Code of 1972, is amended as follows:

75-77-9. The provisions of this chapter shall not require the repurchase from a retailer of:

(a) Any repair part which, because of its condition, is not resalable as a new part;

(b) Any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;

(c) Any farm implements, machinery, utility and industrial equipment, outdoor power equipment, all-terrain vehicles, off-road utility vehicles and attachments which are not current models or which are not in new, unused, undamaged, complete condition, provided that the equipment used in demonstrations or leased as provided in Section 75-77-5 shall be considered new and unused;

(d) Any repair parts which are not in new, unused, undamaged condition;

(e) Any farm implements, machinery, utility and industrial equipment, outdoor power equipment, all-terrain vehicles, off-road utility vehicles or attachments which were purchased more than thirty-six (36) months prior to notice of termination of the contract;

(f) Any inventory which was ordered by the retailer on or after the date of termination of the contract.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 417**

**Description:** Mississippi Department of Marine Resources' oyster check station; change name to "Colonel George J. Wright, Sr." building.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 437

**History of Actions:**

- |    |       |     |  |
|----|-------|-----|--|
| 1  | 01/21 | (H) | Referred To Public Property            |
| 2  | 01/29 | (H) | Title Suff Do Pass                     |
| 3  | 02/06 | (H) | Passed {Vote}                          |
| 4  | 02/07 | (H) | Transmitted To Senate                  |
| 5  | 02/19 | (S) | Referred To Ports and Marine Resources |
| 6  | 03/04 | (S) | Title Suff Do Pass                     |
| 7  | 03/13 | (S) | Passed {Vote}                          |
| 8  | 03/14 | (S) | Transmitted To House                   |
| 9  | 03/18 | (H) | Enrolled Bill Signed                   |
| 10 | 03/19 | (S) | Enrolled Bill Signed                   |
| 11 | 03/25 |     | Approved by Governor                   |

**----- Additional Information -----**

**House Committee:** Public Property

**Senate Committee:** Ports and Marine Resources

**Principal Author:** Eure

**Additional Authors:** Haney

**Title:** AN ACT TO NAME THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES' NEW OYSTER CHECK STATION IN THE PASS CHRISTIAN HARBOR, PASS CHRISTIAN, MISSISSIPPI, FOR COLONEL GEORGE J. WRIGHT, SR.; AND FOR RELATED PURPOSES.



**2013 GENERAL LAWS OF MISSISSIPPI HB 417**

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Property

By: Representatives Eure, Haney

**House Bill 417**

(As Sent to Governor)

AN ACT TO NAME THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES' NEW OYSTER CHECK STATION IN THE PASS CHRISTIAN HARBOR, PASS CHRISTIAN, MISSISSIPPI, FOR COLONEL GEORGE J. WRIGHT, SR.; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Mississippi Department of Marine Resources' oyster check station located at the Pass Christian Harbor, Pass Christian, Mississippi, shall be named the Colonel George J. Wright, Sr., building. The Department of Finance and Administration shall prepare or have prepared a distinctive plaque to be placed in a prominent place within the Colonel George J. Wright, Sr., building, which states the background, accomplishments and public health service to the state and nation of Colonel George J. Wright, Sr.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 425**

**Description:** Student Tuition assistance; revise high school course work requirements to obtain for state institutions of higher learning.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 467

**History of Actions:**

1	01/21	(H)	Referred To Universities and Colleges
2	01/30	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/07	(H)	Motion to Reconsider Entered (Turner, Mettetal, Holloway)
5	02/08	(H)	Motion to Reconsider Tabled
6	02/08	(H)	Transmitted To Senate
7	02/22	(S)	Referred To Universities and Colleges
8	03/04	(S)	Title Suff Do Pass As Amended
9	03/13	(S)	Amended
10	03/13	(S)	Passed As Amended {Vote}
11	03/14	(S)	Returned For Concurrence
12	03/15	(H)	Concurred in Amend From Senate {Vote}
13	03/20	(H)	Enrolled Bill Signed
14	03/20	(S)	Enrolled Bill Signed
15	03/26		Approved by Governor

**Amendments:**

[S] Committee Amendment No 1Lost Voice Vote

[S] Amendment No 2 *Adopted* Voice Vote

Amendment Report for House Bill No. 425

**Code Section:** A 037-0157-0001

----- **Additional Information** -----

**House Committee:** Universities and Colleges

*Senate Committee:* Universities and Colleges

*Principal Author:* Crawford

*Additional Authors:* Bennett, DeLano, Holloway, Mettetal

*Title:* AN ACT TO AMEND SECTION 37-157-1, MISSISSIPPI CODE OF 1972, TO REVISE THE HIGH SCHOOL COURSE WORK REQUIREMENTS FOR THE STUDENT TUITION ASSISTANCE GRANTS FOR STATE INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 425

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Universities and Colleges

By: Representatives Crawford, Bennett, DeLano, Holloway,  
Mettetal

### House Bill 425

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-157-1, MISSISSIPPI CODE OF 1972, TO REVISE THE HIGH SCHOOL COURSE WORK REQUIREMENTS FOR THE STUDENT TUITION ASSISTANCE GRANTS FOR STATE INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-157-1, Mississippi Code of 1972, is amended as follows:

37-157-1. (1) The tuition at any institution of higher education in the state shall be paid by the state on behalf of any student who enrolls in such a school to pursue an academic undergraduate degree, who applies for the payment thereof, and who meets all of the following qualifications:

(a) Actual residence in Mississippi during the twenty-four (24) months immediately preceding university enrollment. For the purposes of this paragraph, residency shall be demonstrated by proof of the following as required by the administering agency:

(i) If registered to vote, being registered in Mississippi.

(ii) If licensed to drive a motor vehicle, being in possession of a Mississippi driver's license.

(iii) If owning a motor vehicle located within Mississippi, being in possession of Mississippi registration for that vehicle.

(iv) If earning an income, having filed a Mississippi state income tax return and having complied with state income tax laws and regulations.

(b) Having a parent or guardian who is a domiciliary of Mississippi.

**2013 GENERAL LAWS OF MISSISSIPPI HB 425**

(c) Graduation from high school within the two (2) years preceding the application with a minimum cumulative grade point average of 2.5 calculated on a 4.0 scale.

(d) Successful completion of seventeen and one-half (17-1/2) units of high school course work\* \* \*

that includes the College Preparatory Curriculum approved by the Board of Trustees of State Institutions of Higher Learning and required for admission into a state university, plus one (1) unit of art (may include one (1) unit or two (2) one-half (1/2) units) from the approved Mississippi Department of Education Arts-Visual and Performing series, and one (1) additional advanced elective unit, which may include Foreign Language II.

\* \* \*

(e) Having a composite score on the American College Test of at least twenty (20) on the 1989 version or an equivalent concordant value on an enhanced version of such test.

(f) Having no criminal record, except for misdemeanor traffic violations.

(g) Being in financial need.

(2) For purposes of this section:

(a) "Institution of higher education" shall mean any of the following institutions of higher learning or community or junior colleges located in Mississippi: Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, University of Mississippi, University of Southern Mississippi, Coahoma Community College, Copiah-Lincoln Community College, East Central Community College, East Mississippi Community College, Hinds Community College, Holmes Community College, Itawamba Community College, Jones County Junior College, Meridian Community College, Mississippi Delta Community College, Mississippi Gulf Coast Community College, Northeast Mississippi Community College, Northwest Mississippi Community College, Pearl River Community College, Southwest Mississippi Community College, Belhaven College, Blue Mountain College, Millsaps College, Mississippi College, Rust College, Tougaloo College, William Carey College, Mary Holmes College, Magnolia Bible College and Wood College.



(b) "Tuition" shall mean the semester or trimester or term charges and all required fees imposed by an institution of higher education as a condition of enrollment by all students. However, for a two-year nonpublic institution of higher education defined in paragraph (a), the tuition payments shall not exceed the average charges and fees required by all of the two-year public institutions of higher education defined in paragraph (a), and for a four-year nonpublic institution of higher education defined in paragraph (a), the tuition payments shall not exceed the average charges and fees required by all of the four-year public institutions of higher education defined in paragraph (a).

(3) The tuition at any institution of higher education in the state shall be paid by the state on behalf of any student who enrolls in such a school to pursue an academic undergraduate or associate degree, who applies for the payment thereof, and who meets the qualifications enumerated in paragraphs (a), (b), (f) and (g) of subsection (1) but who fails to meet one (1) of the particular requirements established by paragraph (c), (d) or (e) of subsection (1) by an amount of ten percent (10%) or less.

(4) To maintain continued state payment of tuition, once enrolled in an institution of higher education, a student shall meet all of the following requirements:

(a) Make steady academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period requiring such enrollment;

(b) Maintain continuous enrollment for not less than two (2) semesters or three (3) quarters in each successive academic year, unless granted an exception for cause by the administering agency;

(c) Have a cumulative grade point average of at least 2.5 calculated on a 4.0 scale at the end of the first academic year and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;

(d) Have no criminal record, except for misdemeanor traffic violations; and

(e) Be found to be in financial need.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 425

(5) The provisions of this chapter shall be administered by the Board of Trustees of State Institutions of Higher Learning in conjunction with the\* \* \* Mississippi Community College Board. The board may provide by rule for all matters necessary for the implementation of this chapter.

(6) By rule, the board shall provide for:

(a) A mechanism for informing all students of the availability of the assistance provided pursuant to this chapter early enough in their schooling that a salutary motivational effect is possible.

(b) Applications, forms, financial audit procedures, eligibility and other program audit procedures and other matters related to efficient operation.

(c) A procedure for waiver through the 1996-1997 academic year of the program eligibility requirement for successful completion of a specified core curriculum upon proper documentation by the applicant that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the applicant at the school attended.

(7) An applicant shall be found to be in financial need if:

(a) The family has one (1) child under the age of twenty-one (21), and the two-year average annual adjusted gross income of the family is less than Thirty-six Thousand Five Hundred Dollars (\$36,500.00); or

(b) The family has a two-year average annual adjusted gross income of less than Thirty-six Thousand Five Hundred Dollars (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each additional child under the age of twenty-one (21).

The two-year average annual adjusted gross income of the family shall be verified by Internal Revenue Service returns or by certified affidavits in cases of income that cannot be verified by such returns.

As used in this subsection, the term "family" for an unemancipated applicant means the applicant, the applicant's parents, and other children under age twenty-one (21) the applicant's parents. The term "family" for an emancipated applicant means the applicant, an applicant's spouse and any children under age twenty-one (21) of the applicant and spouse.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 425

(8) An appropriation of funds may annually be made to the board sufficient to cover, in addition to any other available funds, the costs of tuition required to be paid, both initial and continuing, for the coming academic year. All such payments shall be made directly to the institution to which such tuition is due after notice to the school that the state shall pay the tuition of a student and after notice from the school that the student has actually enrolled.

(9) The board may seek, accept and expend funds from any source, including private business, industry, foundations and other groups as well as any federal or other governmental funding available for this purpose.

(10) No student shall receive a grant pursuant to this chapter in an amount greater than the tuition charged by the school. The student must apply for a federal grant prior to receiving state funds.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 436**

**Description:** MTC; authorize SASHTO scholarship funds for transportation studies and increase relocation payments per federal regulations.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 468

**History of Actions:**

- |    |       |     |  |
|----|-------|-----|--|
| 1  | 01/21 | (H) | Referred To Transportation; Appropriations                 |
| 2  | 01/29 | (H) | DR - TSDP: TR To AP  |
| 3  | 01/31 | (H) | DR - TSDP: AP To TR  |
| 4  | 01/31 | (H) | Title Suff Do Pass   |
| 5  | 02/07 | (H) | Passed {Vote}  |
| 6  | 02/08 | (H) | Transmitted To Senate                                      |
| 7  | 02/12 | (S) | Referred To Highways and Transportation;<br>Appropriations |
| 8  | 02/28 | (S) | DR - TSDPAA: HI To AP                                      |
| 9  | 03/05 | (S) | Title Suff Do Pass As Amended                              |
| 10 | 03/07 | (S) | Amended  |
| 11 | 03/07 | (S) | Passed As Amended {Vote}                                   |
| 12 | 03/08 | (S) | Returned For Concurrence                                   |
| 13 | 03/14 | (H) | Concurred in Amend From Senate {Vote}                      |
| 14 | 03/20 | (H) | Enrolled Bill Signed                                       |
| 15 | 03/20 | (S) | Enrolled Bill Signed                                       |
| 16 | 03/26 |     | Approved by Governor                                       |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 436

**Code Section:** A 065-0001-0008, A 043-0039-0007, A 043-0039-0009, A 043-0039-0011

**----- Additional Information -----**

**House Committee:** Transportation, Appropriations

*Senate Committee:* Highways and Transportation, Appropriations

*Principal Author:* Johnson

**Title:** AN ACT TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO RECEIVE FUNDS FROM THE SOUTHEASTERN ASSOCIATION OF TRANSPORTATION OFFICIALS AND EXPEND THOSE FUNDS FOR SCHOLARSHIPS FOR TRANSPORTATION RELATED STUDIES; TO AMEND SECTIONS 43-39-7, 43-39-9 AND 43-39-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNTS OF THE PAYMENTS MADE TO INDIVIDUALS AND ENTITIES DISPLACED BY CERTAIN GOVERNMENT PROJECTS; AND FOR RELATED PURPOSES.



## 2013 GENERAL LAWS OF MISSISSIPPI HB 436

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation; Appropriations

By: Representative Johnson

### House Bill 436

(As Sent to Governor)

AN ACT TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO RECEIVE FUNDS FROM THE SOUTHEASTERN ASSOCIATION OF TRANSPORTATION OFFICIALS AND EXPEND THOSE FUNDS FOR SCHOLARSHIPS FOR TRANSPORTATION RELATED STUDIES; TO AMEND SECTIONS 43-39-7, 43-39-9 AND 43-39-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNTS OF THE PAYMENTS MADE TO INDIVIDUALS AND ENTITIES DISPLACED BY CERTAIN GOVERNMENT PROJECTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 65-1-8, Mississippi Code of 1972, is amended as follows:

65-1-8. (1) The Mississippi Transportation Commission shall have the following general powers, duties and responsibilities:

(a) To coordinate and develop a comprehensive, balanced transportation policy for the State of Mississippi;

(b) To promote the coordinated and efficient use of all available and future modes of transportation;

(c) To make recommendations to the Legislature regarding alterations or modifications in any existing transportation policies;

(d) To study means of encouraging travel and transportation of goods by the combination of motor vehicle and other modes of transportation;

(e) To take such actions as are necessary and proper to discharge its duties pursuant to the provisions of Chapter 496, Laws of 1992, and any other provision of law;

(f) To receive and provide for the expenditure of any funds made available to it by the Legislature, the federal government or any other source.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 436

(2) In addition to the general powers, duties and responsibilities listed in subsection (1) of this section, the Mississippi Transportation Commission shall have the following specific powers:

(a) To make rules and regulations whereby the Transportation Department shall change or relocate any and all highways herein or hereafter fixed as constituting a part of the state highway system, as may be deemed necessary or economical in the construction or maintenance thereof; to acquire by gift, purchase, condemnation or otherwise, land or other property whatsoever that may be necessary for a state highway system as herein provided, with full consideration to be given to the stimulation of local public and private investment when acquiring such property in the vicinity of Mississippi towns, cities and population centers;

(b) To enforce by mandamus, or other proper legal remedies, all legal rights or rights of action of the Mississippi Transportation Commission with other public bodies, corporations or persons;

(c) To make and publish rules, regulations and ordinances for the control of and the policing of the traffic on the state highways, and to prevent their abuse by any or all persons, natural or artificial, by trucks, tractors, trailers or any other heavy or destructive vehicles or machines, or by any other means whatsoever; by establishing weights of loads or of vehicles, types of tires, width of tire surfaces, length and width of vehicles, with reasonable variations to meet approximate weather conditions, and all other proper police and protective regulations, and to provide ample means for the enforcement of same. The violation of any of the rules, regulations or ordinances so prescribed by the commission shall constitute a misdemeanor. No rule, regulation or ordinance shall be made that conflicts with any statute now in force or which may hereafter be enacted, or with any ordinance of municipalities. A monthly publication giving general information to the boards of supervisors, employees and the public may be issued under such rules and regulations as the commission may determine;

(d) To give suitable numbers to highways and to change the number of any highway that shall become a part of the state highway system. However, nothing herein shall authorize the number of any highway to be changed so as to conflict with

## 2013 GENERAL LAWS OF MISSISSIPPI HB 436

any designation thereof as a U.S. numbered highway. Where, by a specific act of the Legislature, the commission has been directed to give a certain number to a highway, the commission shall not have the authority to change such number;

(e) (i) To make proper and reasonable rules, regulations, and ordinances for the placing, erection, removal or relocation of telephone, telegraph or other poles, signboards, fences, gas, water, sewerage, oil or other pipelines, and other obstructions that may, in the opinion of the commission, contribute to the hazards upon any of the state highways, or in any way interfere with the ordinary travel upon such highways, or the construction, reconstruction or maintenance thereof, and to make reasonable rules and regulations for the proper control thereof. Any violation of such rules or regulations or noncompliance with such ordinances shall constitute a misdemeanor;

(ii) Except as otherwise provided for in this paragraph, whenever the order of the commission shall require the removal of, or other changes in the location of telephone, telegraph or other poles, signboards, gas, water, sewerage, oil or other pipelines; or other similar obstructions on the right-of-way or such other places where removal is required by law, the owners thereof shall at their own expense move or change the same to conform to the order of the commission. Any violation of such rules or regulations or noncompliance with such orders shall constitute a misdemeanor;

(iii) Rural water districts, rural water systems, nonprofit water associations and municipal public water systems in municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of water and sewer lines and facilities constructed or in place in the rights-of-way of state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2002, shall be paid by the Department of Transportation;

(iv) Municipal public sewer systems and municipal gas systems owned by municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of lines and facilities constructed or in place in the rights-of-way of

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state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2003, shall be paid by the Department of Transportation;

(f) To regulate and abandon grade crossings on any road fixed as a part of the state highway system, and whenever the commission, in order to avoid a grade crossing with the railroad, locates or constructs said road on one side of the railroad, the commission shall have the power to abandon and close such grade crossing, and whenever an underpass or overhead bridge is substituted for a grade crossing, the commission shall have power to abandon such grade crossing and any other crossing adjacent thereto. Included in the powers herein granted shall be the power to require the railroad at grade crossings, where any road of the state highway system crosses the same, to place signal posts with lights or other warning devices at such crossings at the expense of the railroad, and to regulate and abandon underpass or overhead bridges and, where abandoned because of the construction of a new underpass or overhead bridge, to close such old underpass or overhead bridge, or, in its discretion, to return the same to the jurisdiction of the county board of supervisors;

(g) To make proper and reasonable rules and regulations to control the cutting or opening of the road surfaces for subsurface installations;

(h) To make proper and reasonable rules and regulations for the removal from the public rights-of-way of any form of obstruction, to cooperate in improving their appearance, and to prescribe minimum clearance heights for seed conveyors, pipes, passageways or other structure of private or other ownership above the highways;

(i) To establish, and have the Transportation Department maintain and operate, and to cooperate with the state educational institutions in establishing, enlarging, maintaining and operating a laboratory or laboratories for testing materials and for other proper highway purposes;

(j) To provide, under the direction and with the approval of the Department of Finance and Administration, suitable offices, shops and barns in the City of Jackson;

(k) To establish and have enforced set-back regulations;



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(l) To cooperate with proper state authorities in producing limerock for highway purposes and to purchase same at cost;

(m) To provide for the purchase of necessary equipment and vehicles and to provide for the repair and housing of same, to acquire by gift, purchase, condemnation or otherwise, land or lands and buildings in fee simple, and to authorize the Transportation Department to construct, lease or otherwise provide necessary and proper permanent district offices for the construction and maintenance divisions of the department, and for the repair and housing of the equipment and vehicles of the department; however, in each Supreme Court district only two (2) permanent district offices shall be set up, but a permanent status shall not be given to any such offices until so provided by act of the Legislature and in the meantime, all shops of the department shall be retained at their present location. As many local or subdistrict offices, shops or barns may be provided as is essential and proper to economical maintenance of the state highway system;

(n) To cooperate with the Department of Archives and History in having placed and maintained suitable historical markers, including those which have been approved and purchased by the State Historical Commission, along state highways, and to have constructed and maintained roadside driveways for convenience and safety in viewing them when necessary;

(o) To cooperate, in its discretion, with the Mississippi Department of Wildlife, Fisheries and Parks in planning and constructing roadside parks upon the right-of-way of state highways, whether constructed, under construction, or planned; said parks to utilize where practical barrow pits used in construction of state highways for use as fishing ponds. Said parks shall be named for abundant flora and fauna existing in the area or for the first flora or fauna found on the site;

(p) Unless otherwise prohibited by law, to make such contracts and execute such instruments containing such reasonable and necessary appropriate terms, provisions and conditions as in its absolute discretion it may deem necessary, proper or advisable, for the purpose of obtaining or securing financial assistance, grants or loans from the United States of America or any department or agency thereof, including contracts with several counties of the state pertaining to the expenditure of such funds;



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(q) To cooperate with the Federal Highway Administration in the matter of location, construction and maintenance of the Great River Road, to expend such funds paid to the commission by the Federal Highway Administration or other federal agency, and to authorize the Transportation Department to erect suitable signs marking this highway, the cost of such signs to be paid from state highway funds other than earmarked construction funds;

(r) To cooperate, in its discretion, with the Mississippi Forestry Commission and the School of Forestry, Mississippi State University, in a forestry management program, including planting, thinning, cutting and selling, upon the right-of-way of any highway, constructed, acquired or maintained by the Transportation Department, and to sell and dispose of any and all growing timber standing, lying or being on any right-of-way acquired by the commission for highway purposes in the future; such sale or sales to be made in accordance with the sale of personal property which has become unnecessary for public use as provided for in Section 65-1-123, Mississippi Code of 1972;

(s) To expend funds in cooperation with the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, the United States government or any department or agency thereof, or with any department or agency of this state, to control, suppress or eradicate serious insect pests, rodents, plant parasites and plant diseases on the state highway rights-of-way;

(t) To provide for the placement, erection and maintenance of motorist services business signs and supports within state highway rights-of-way in accordance with current state and federal laws and regulations governing the placement of traffic control devices on state highways, and to establish and collect reasonable fees from the businesses having information on such signs;

(u) To request and to accept the use of persons convicted of an offense, whether a felony or a misdemeanor, for work on any road construction, repair or other project of the Transportation Department. The commission is also authorized to request and to accept the use of persons who have not been convicted of an offense but who are required to fulfill certain court-imposed conditions pursuant to Section 41-29-150(d)(1) or 99-15-26, Mississippi Code of 1972, or the Pretrial

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Intervention Act, being Sections 99-15-101 through 99-15-127, Mississippi Code of 1972. The commission is authorized to enter into any agreements with the Department of Corrections, the State Parole Board, any criminal court of this state, and any other proper official regarding the working, guarding, safekeeping, clothing and subsistence of such persons performing work for the Transportation Department. Such persons shall not be deemed agents, employees or involuntary servants of the Transportation Department while performing such work or while going to and from work or other specified areas;

(v) To provide for the administration of the railroad revitalization program pursuant to Section 57-43-1 et seq.;

(w) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of service pins for employees of the Mississippi Transportation Department;

(x) To cooperate with the State Tax Commission by providing for weight enforcement field personnel to collect and assess taxes, fees and penalties and to perform all duties as required pursuant to Section 27-55-501 et seq., Sections 27-19-1 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq., Mississippi Code of 1972, with regard to vehicles subject to the jurisdiction of the Office of Weight Enforcement. All collections and assessments shall be transferred daily to the State Tax Commission;

(y) The Mississippi Transportation Commission may delegate the authority to enter into a supplemental agreement to a contract previously approved by the commission if the supplemental agreement involves an additional expenditure not to exceed One Hundred Thousand Dollars (\$100,000.00);

(z) (i) The Mississippi Transportation Commission, in its discretion, may enter into agreements with any county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, for the purpose of accelerating the completion date of scheduled highway construction projects.

(ii) Such an agreement may permit the cost of a highway construction project to be advanced to the commission by a county, municipality, county transportation commission, business, corporation, partnership, association, individual

or other legal entity, and repaid to such entity by the commission when highway construction funds become available; provided, however, that repayment of funds advanced to the Mississippi Transportation Commission shall be made no sooner than the commission's identified projected revenue schedule for funding of that particular construction project, and no other scheduled highway construction project established by statute or by the commission may be delayed by an advanced funding project authorized under this paragraph (z). Repayments to a private entity that advances funds to the Mississippi Transportation Commission under this paragraph (z) may not include interest or other fees or charges, and the total amount repaid shall not exceed the total amount of funds advanced to the commission by the entity.

(iii) In considering whether to enter into such an agreement, the commission shall consider the availability of financial resources, the effect of such agreement on other ongoing highway construction, the urgency of the public's need for swift completion of the project and any other relevant factors.

(iv) Such an agreement shall be executed only upon a finding by the commission, spread upon its minutes, that the acceleration of the scheduled project is both feasible and beneficial. The commission shall also spread upon its minutes its findings with regard to the factors required to be considered pursuant to\* \* \* subparagraph (iii) of this paragraph (z);

(aa) The Mississippi Transportation Commission, in its discretion, may purchase employment practices liability insurance, and may purchase an excess policy to cover catastrophic losses incurred under the commission's self-insured workers' compensation program authorized under Section 71-3-5. Such policies shall be written by the agent or agents of a company or companies authorized to do business in the State of Mississippi. The deductibles shall be in an amount deemed reasonable and prudent by the commission, and the premiums thereon shall be paid from the State Highway Fund. Purchase of insurance under this paragraph shall not serve as an actual or implied waiver of sovereign immunity or of any protection afforded the commission under the Mississippi Tort Claims Act;

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(bb) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of promotional materials for safety purposes, highway beautification purposes and recruitment purposes;

(cc) To lease antenna space on communication towers which it owns\* \* \*;

(dd) To receive funds from the Southeastern Association of Transportation Officials and from other nonstate sources and expend those funds for educational scholarships in transportation related fields of study. The commission may adopt rules or regulations as necessary for the implementation of the program. A strict accounting shall be made of all funds deposited with the commission and all funds dispersed.

**SECTION 2.** Section 43-39-7, Mississippi Code of 1972, is amended as follows:

43-39-7. (1) If a displacing agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this chapter for:

(a) Actual reasonable expenses in moving himself, his family, business, farm operation or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency;

(c) Actual reasonable expenses in searching for a replacement business or farm; and

(d) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization or small business at its new site in accordance with criteria to be established by the displacing agency, but not to exceed\* \* \* the maximum amount of relocation payments established by applicable federal regulations.

(2) Any displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive an expense and dislocation



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allowance which shall be determined according to a schedule established by the displacing agency.

(3) Any displaced person eligible for payments under subsection (1) of this section, who is displaced from his place of business or from his farm operation and who is eligible under criteria established by the displacing agency may also qualify for the payment authorized by this subsection. Such payment shall consist of a fixed payment in an amount to be determined by the agency, except that such payment shall not be less than One Thousand Dollars (\$1,000.00) nor more than\* \* \* the maximum amount of relocation payments established by applicable federal regulations. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.

**SECTION 3.** Section 43-39-9, Mississippi Code of 1972, is amended as follows:

43-39-9. (1) In addition to payments otherwise authorized by this chapter, such displacing agency shall make an additional payment not in excess of\* \* \* the maximum amount of relocation payments established by applicable federal regulations to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than\* \* \* ninety (90) days\* \* \* before the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market. All determinations required to carry out this paragraph shall be determined by regulations issued pursuant to Section 43-39-17;

(b) The amount, if any, which will compensate the displaced person for any increased interest costs and other debt service costs which the person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than\* \* \* ninety (90) days\* \* \* before the initiation of negotiations for the acquisition of the dwelling. Payment



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determinations shall be in accordance with regulations issued pursuant to Section 43-39-17; and

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe and sanitary replacement dwelling within one (1) year after the date on which he receives final payment from the displacing agency for the acquired dwelling, or the date on which the displacing agency's obligation under Section 43-39-13, is met, whichever is the later date, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one (1) year of such date.

**SECTION 4.** Section 43-39-11, Mississippi Code of 1972, is amended as follows:

43-39-11. (1) In addition to amounts otherwise authorized by this chapter, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under Section 43-39-9, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety (90) days immediately prior to the initiation of negotiations for acquisition of such dwelling, or in any case in which displacement is not a direct result of acquisition, such other event as the head of the agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed forty-two (42) months, a comparable replacement dwelling, but not to exceed\*  
\* \* the maximum amount of relocation payments established by applicable federal regulations. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

(2) Any person eligible for a payment under subsection (1) of this section may elect to apply such payment to a down

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payment on, and other incidental expenses pursuant to, the purchase of a decent, safe and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (1)\* \* \*.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 481**

**Description:** DUI; revise use of ignition-interlock device.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2014

*Chapter Number:* 489

**History of Actions:**

- 1 01/21 (H) Referred To Judiciary B
- 2 02/05 (H) Title Suff Do Pass Comm Sub
- 3 02/12 (H) Committee Substitute Adopted
- 4 02/12 (H) Passed {Vote}
- 5 02/14 (H) Transmitted To Senate
- 6 02/22 (S) Referred To Judiciary, Division A
- 7 03/05 (S) Title Suff Do Pass As Amended
- 8 03/12 (S) Amended
- 9 03/12 (S) Passed As Amended {Vote}
- 10 03/14 (S) Returned For Concurrence
- 11 03/15 (H) Decline to Concur/Invite Conf
- 12 03/26 (H) Conferees Named Gipson, Horan, Taylor
- 13 03/29 (S) Conferees Named Hopson, Burton, Hale
- 14 04/01 (S) Conference Report Filed
- 15 04/01 (H) Conference Report Filed
- 16 04/02 (H) Conference Report Adopted {Vote}
- 17 04/02 (S) Conference Report Adopted {Vote}
- 18 04/09 (S) Enrolled Bill Signed
- 19 04/09 (H) Enrolled Bill Signed
- 20 04/11 Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 481

Conference Reports:

| Conference Report

**Code Section:** A 063-0011-0030, A 063-0011-0031, A 063-0001-0021, A 063-0001-0043, A 063-0001-0047, A 063-0011-0021, A 063-0011-0023

----- **Additional Information** -----

**House Committee:** Judiciary B

**Senate Committee:** Judiciary, Division A

**Principal Author:** Gunn

**Additional Authors:** Brown (20th), Formby, Snowden, Turner

**Title:** AN ACT TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED OF DUI WILL ONLY BE ALLOWED TO OPERATE A VEHICLE EQUIPPED WITH AN IGNITION-INTERLOCK DEVICE; TO PROVIDE A DRIVER'S LICENSE THEREFOR; TO REMOVE HARDSHIP PROVISIONS; TO PROVIDE FOR NONADJUDICATION; TO REQUIRE MANDATORY PROBATION; TO PROVIDE FOR THE EXPUNCTION OF CERTAIN CONVICTIONS; TO AMEND SECTION 63-11-31, MISSISSIPPI CODE OF 1972, TO REVISE IGNITION INTERLOCK; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE IGNITION-INTERLOCK-RESTRICTED DRIVER'S LICENSE; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO PROVIDE A FEE FOR SUCH LICENSE AND TO CREATE THE IGNITION-INTERLOCK DEVICE FUND; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO SPECIFY THE TERM AND RENEWAL OF SUCH LICENSE; TO AMEND SECTIONS 63-11-21 AND 63-11-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Gunn, Brown (20th), Formby, Snowden,  
Turner

**House Bill 481**

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED OF DUI WILL ONLY BE ALLOWED TO OPERATE A VEHICLE EQUIPPED WITH AN IGNITION-INTERLOCK DEVICE; TO PROVIDE A DRIVER'S LICENSE THEREFOR; TO REMOVE HARDSHIP PROVISIONS; TO PROVIDE FOR NONADJUDICATION; TO REQUIRE MANDATORY PROBATION; TO PROVIDE FOR THE EXPUNCTION OF CERTAIN CONVICTIONS; TO AMEND SECTION 63-11-31, MISSISSIPPI CODE OF 1972, TO REVISE IGNITION INTERLOCK; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE IGNITION-INTERLOCK-RESTRICTED DRIVER'S LICENSE; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO PROVIDE A FEE FOR SUCH LICENSE AND TO CREATE THE IGNITION-INTERLOCK DEVICE FUND; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO SPECIFY THE TERM AND RENEWAL OF SUCH LICENSE; TO AMEND SECTIONS 63-11-21 AND 63-11-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-11-30, Mississippi Code of 1972, is amended as follows:

63-11-30. (1) It is unlawful for any person to drive or otherwise operate a vehicle within this state who (a) is under the influence of intoxicating liquor; (b) is under the influence of any other substance\* \* \* that has impaired\* \* \* the person's ability to operate a motor vehicle; (c) has an alcohol concentration of eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, in the person's blood based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of\* \* \* the person's breath, blood or urine administered as



authorized by this chapter; (d) is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (e) has an alcohol concentration of four one-hundredths percent (.04%) or more in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of\* \* \* the person's blood, breath or urine, administered as authorized by this chapter for persons operating a commercial motor vehicle.

(2) (a) First offense DUI. (i) Except as otherwise provided in subparagraph (iii) of this subsection (2) (a) and subsection (3) of this section, upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available,\* \* \* the person shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; and the court shall order\* \* \* the person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail. In addition, the Department of Public Safety, or the Commissioner of Public Safety or his duly authorized agent shall, after conviction and upon receipt of the court abstract, suspend the driver's license and driving privileges of\* \* \* the person for a period of\* \* \* ninety (90) days and until such person attends and successfully completes an alcohol safety education program as provided herein or, in the discretion of the court,\* \* \* thirty (30) days and the person's driving privilege shall be exercised only under an ignition-interlock-restricted driver's license for ninety (90) days following the mandatory thirty-day license suspension. The person shall not be eligible for any other form of license until\* \* \* the person attends and successfully completes an alcohol safety education program as\* \* \* provided in Section 63-11-32.

(ii) Commercial driving privileges shall be suspended as provided in Section 63-1-216.

\* \* \*

(iii)\* \* \*

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A qualifying first offense under subsection (1) of this section may be nonadjudicated by the court. The court shall follow the procedure in Section 99-15-26 for all nonadjudications. A person is eligible for nonadjudication only one (1) time. A qualifying first offense is one where a breath test was not refused unless the court provides written findings as to why nonadjudication is being allowed where a breath test was refused. The person shall not be eligible for any other form of license until the person attends and successfully completes an alcohol safety education program as provided in Section 63-11-32. The judge shall forward a record of every nonadjudicated case to the Department of Public Safety and the Department of Public Safety shall maintain a confidential registry of all cases that are nonadjudicated as provided in this subparagraph (iii). Judges and prosecutors involved in the trial of implied consent violations shall have access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case and is therefore ineligible for another nonadjudication. A record of nonadjudication shall be maintained for five (5) years.

(iv) The court may enter an order of nonadjudication concerning a nonresident first offender, taking into consideration the available resources and programs in the offender's home jurisdiction and the ability of the court to monitor the person's compliance with conditions imposed by the court.

(b) Second offense DUI. (i) Except as otherwise provided in subsection (3), upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years,\* \* \* the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year and sentenced to community service work for not less than ten (10) days nor more than one (1) year. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.\* \* \* Upon notification of conviction, the Commissioner of Public Safety shall suspend the driver's license of\* \* \* the person for\* \* \* forty-five (45) days. The person's driving privilege shall not be restored except by means of an ignition-interlock-restricted

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driver's license for one (1) year following the mandatory forty-five-day suspension. The person shall not be eligible for any other form of license until the person attends and successfully completes an alcohol safety education program as provided in Section 63-11-32.

(ii) Suspension of a commercial driver's license shall be governed by Section 63-1-216.\* \* \*

\* \* \*

(c) Third offense DUI. (i) Except as otherwise provided in subsection (3), for any third\* \* \* conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years,\* \* \* the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections\* \* \*. For any\* \* \* offense\* \* \* that does not result in serious injury or death to any person,\* \* \* the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.\* \* \* Except as may otherwise be provided by paragraph (e) of this subsection, the Commissioner of Public Safety shall suspend the driver's license of such person for\* \* \* two (2) years. The person will not be eligible for restoration of the driving privilege except by means of an ignition-interlock-restricted driver's license for three (3) years following release from incarceration and following the mandatory two-year driver's license suspension.

(ii) The suspension of a commercial driver's license shall be governed by Section 63-1-216.

(d) Fourth or subsequent offense DUI. Except as otherwise provided in subsection (3),\* \* \* for any fourth or subsequent conviction of any person violating subsection (1) of this section\* \* \*, without regard to the period of time over which the offenses were committed, the person shall be guilty of a felony and fined not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00) and shall serve not less than two (2) nor more than ten (10) years in the custody of the Department of Corrections. The



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Commissioner of Public Safety shall suspend the driver's license of the person for five (5) years which shall begin upon the person's release from the custody of the Department of Corrections.

\* \* \*

(\* \* \* e) Except as otherwise provided in subsection (3), any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of\* \* \* the assessment is determined to be in need of treatment\* \* \* for alcohol\* \* \* or drug abuse\* \* \*,\* \* \* the person shall successfully complete treatment\* \* \* at a program site certified by the Department of Mental Health.\* \* \* Each person who receives a diagnostic assessment shall pay a fee representing the cost of\* \* \* the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of\* \* \* treatment.

(f) The Department of Public Safety shall promulgate rules and regulations for the use of\* \* \* ignition-interlock devices as provided in Section 63-11-31 and consistent with the provisions therein.\* \* \* The rules and regulations shall provide that installation of the device shall occur at the residence of the offender and for the calibration of\* \* \* the devices and shall provide that the cost of the use of\* \* \* the systems shall be borne by the offender. The Department of Public Safety shall approve which vendors\* \* \* shall be used to furnish\* \* \* the systems and may assess fees to such vendors. The maximum costs to the offender as prescribed in the department's rules and regulations shall not exceed One Hundred Fifty Dollars (\$150.00) for installation and Two Dollars and Fifty Cents (\$2.50) per day for the user fee, and the department shall also prescribe maximum fees for periodic inspections, calibrations and repairs.

(3) Zero Tolerance for Minors.(a) This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration of two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If such person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, such person shall have his driver's license suspended for ninety (90) days and shall be fined Two Hundred Fifty Dollars (\$250.00); and the court shall order such person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may also require attendance at a victim impact panel.

The court in the county in which the conviction was had or the circuit court of the person's county of residence may reduce the suspension of driving privileges under subsection (2) (a) of this section if the denial of which would constitute a hardship on the offender, except that no court may issue such an order reducing the suspension of driving privileges under this subsection until thirty (30) days have elapsed from the effective date of the suspension. Hardships shall only apply to first offenses under subsection (1) of this section, and shall not apply to second, third or subsequent convictions of any person violating subsection (1) of this section. A reduction of suspension on the basis of hardship shall not be available to any person who refused to submit to a chemical test upon the request of a law enforcement officer as provided in Section 63-11-5. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Fifty Dollars (\$50.00), which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

The petition filed under the provisions of this subsection shall contain the specific facts which the petitioner alleges to constitute a hardship and the driver's license number of the petitioner. A hearing may be held on any petition filed under this subsection only after ten (10) days' prior written notice to the Commissioner of Public Safety, or his designated agent, or the attorney designated to represent the state. At such hearing, the court may enter an order reducing the period of suspension.



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The order entered under the provisions of this subsection shall contain the specific grounds upon which hardship was determined, and shall order the petitioner to attend and complete an alcohol safety education program as provided in Section 63-11-32. A certified copy of such order shall be delivered to the Commissioner of Public Safety by the clerk of the court within five (5) days of the entry of the order. The certified copy of such order shall contain information which will identify the petitioner, including, but not limited to, the name, mailing address, street address, social security number and driver's license number of the petitioner.

At any time following at least thirty (30) days of suspension for a first offense violation of this section, the court may grant the person hardship driving privileges upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:

- (i) Continue his employment;
- (ii) Continue attending school or an educational institution; or
- (iii) Obtain necessary medical care.

Proof of the hardship shall be established by clear and convincing evidence which shall be supported by independent documentation.

(c) Upon any second conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than Five Hundred Dollars (\$500.00) and shall have his driver's license suspended for one (1) year.

(d) For any third or subsequent conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars (\$1,000.00) and shall have his driver's license suspended until he reaches the age of twenty-one (21) or for two (2) years, whichever is longer.

(e) Any person under the age of twenty-one (21) years convicted of a second violation of subsection (1) of this section, may have the period that his driver's license is suspended reduced if such person receives an in-depth

diagnostic assessment, and as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem and successfully completes treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health. Such person shall be eligible for reinstatement of his driving privileges upon the successful completion of such treatment after a period of six (6) months after such person's driver's license is suspended. Each person who receives a diagnostic assessment shall pay a fee representing the cost of such assessment. Each person who participates in a treatment program shall pay a fee representing the cost of such treatment.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section shall complete treatment of an alcohol and/or drug abuse program at a site certified by the Department of Mental Health.

(g) The court shall have the discretion to rule that a first offense of this subsection by a person under the age of twenty-one (21) years shall be nonadjudicated. Such person shall be eligible for nonadjudication only once. The Department of Public Safety shall maintain a confidential registry of all cases which are nonadjudicated as provided in this paragraph. A judge who rules that a case is nonadjudicated shall forward such ruling to the Department of Public Safety. Judges and prosecutors involved in implied consent violations shall have access to the confidential registry for the purpose of determining nonadjudication eligibility. A record of a person who has been nonadjudicated shall be maintained for five (5) years or until such person reaches the age of twenty-one (21) years. Any person whose confidential record has been disclosed in violation of this paragraph shall have a civil cause of action against the person and/or agency responsible for such disclosure.

(4) DUI test refusal. In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of his breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of\* \* \* the test in any prosecution, shall suffer an additional suspension of driving privileges as follows:

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The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or permit to drive or deny the issuance of a license or permit to\* \* \* the person as provided for first, second and third or subsequent offenders in subsection (2) of this section.\* \* \* The suspension shall be in addition to any suspension imposed pursuant to subsection (1) of Section 63-11-23. The minimum suspension imposed under this subsection shall not be reduced and no prosecutor is authorized to offer a reduction of\* \* \* the suspension as part of a plea bargain.

(5) Aggravated DUI. Every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each such death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each such death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.

(6) DUI citations. Upon conviction of any violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The judge shall cause a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction, to be sent to the Commissioner of Public Safety. A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining

the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section.

(7) Out-of-state prior convictions. Convictions in other states of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring after July 1, 1992, shall be counted for the purposes of determining if a violation of subsection (1) of this section is a\* \* \* second, third or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) Charging of subsequent offenses. For the purposes of determining how to impose the sentence for a second, third or subsequent conviction under this section, the indictment shall not be required to enumerate previous convictions. It shall only be necessary that the indictment state the number of times that the defendant has been convicted and sentenced within the past five (5) years under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third or subsequent offense of this section.

(9) License eligibility for underage offenders. Any person under the legal age to obtain a license to operate a motor vehicle convicted under this section shall not be eligible to receive\* \* \* a driver's license until the person reaches the age of eighteen (18) years.

(10) License suspensions to run consecutively. Suspension of driving privileges for any person convicted of violations of subsection (1) of this section shall run consecutively.

(11) Ignition interlock. The court may order the use of any ignition -interlock device as provided in Section 63-11-31. The court shall make specific findings that an ignition-interlock device has been ordered.

(12) DUI child endangerment. A person who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired\* \* \* the person's ability to operate a motor



vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired\* \* \* the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:

(a) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;

(b) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for one (1) year, or both;

(c) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and

(d) A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether\* \* \* the offense was a first, second, third or subsequent offense shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.

(13) (a) Any person who, on or before June 30, 2014, was convicted under subsection (2) of this section of a first offense of driving under the influence may petition the circuit court of the county in which the conviction was had for an order to expunge the record of the conviction. Expunction under this subsection will only be available to a person:



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(i) Who has successfully completed all terms and conditions of the sentence imposed for the conviction;

(ii) Who did not refuse to submit to a test of his blood or breath;

(iii) Whose blood alcohol concentration tested below sixteen one-hundredths percent (.16%) if test results are available;

(iv) Who has not been convicted of or have pending any other offense of driving under the influence; and

(v) Who has provided the court with justification as to why the conviction should be expunged.

(b) A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility as a first-offender under this section.

(c) The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.

**SECTION 2.** Section 63-11-31, Mississippi Code of 1972, is amended as follows:

63-11-31. (1)\* \* \*

For the\* \* \* purposes of this section, "ignition-interlock device" means a device\* \* \* that connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if the driver's blood alcohol level exceeds the calibrated setting on the device.

(2) (a) The cost of installation of an ignition-interlock device shall be borne by the person to whom is issued an ignition-interlock-restricted driver's license unless a court determines that the person is indigent.

(b)\* \* \* Anyone convicted under Section 63-11-30 shall be assessed by the court, in addition to the criminal fines, penalties and assessments provided by law for violations of Section 63-11-30, a fee of not less than Thirty Dollars (\$30.00) nor more than One Hundred Dollars (\$100.00), to be deposited in the Ignition-Interlock Device Fund in the State Treasury. Anyone who receives a nonadjudication under Section

63-11-30 shall be assessed by the court, a fee of Two Hundred Fifty Dollars (\$250.00) to be deposited in the Ignition-Interlock Device Fund in the State Treasury.

(3) (a) \* \* \* The specific calibration setting for an ignition-interlock device shall be no\* \* \* more than\* \* \* three one-hundredths percent (0.03%) blood alcohol concentration for persons twenty-one (21) years of age or older and no more than two one-hundredths percent (0.02%) blood alcohol concentration for persons under twenty-one (21) years of age\* \* \*, over which concentration the ignition -interlock device will prevent the motor vehicle from being started.

\* \* \*

(b) A person who has an ignition-interlock device installed in a vehicle shall:

(\* \* \* i)\* \* \* Provide proof of the installation of the device and periodic reporting\* \* \* for verification of the proper operation of the device;

(\* \* \* ii)\* \* \* Have the system monitored for proper use and accuracy by an entity approved by the department at least semiannually, or more frequently as the circumstances may require;

(\* \* \* iii)\* \* \* Pay the reasonable cost of leasing or buying, monitoring, and maintaining the device\* \* \*.

\* \* \*

(4) (a) (i) A person who is limited to driving only under an ignition-interlock-restricted driver's license shall not operate a vehicle that is not equipped with an ignition-interlock device.

(ii) A person prohibited\* \* \* from operating a motor vehicle that is not equipped with an ignition -interlock device may not solicit or have another person attempt to start or start a motor vehicle equipped with such a device.

\* \* \* (iii) A person may not start or attempt to start\* \* \* a motor vehicle equipped with an ignition -interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited\* \* \* from operating a motor vehicle that is not equipped with an ignition -interlock device.

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\* \* \* (iv) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition -interlock device that has been installed in a motor vehicle.

\* \* \* (v) A person may not knowingly provide a motor vehicle not equipped with a functioning ignition -interlock device to another person who the provider of\* \* \* the vehicle knows or should know is prohibited from operating a motor vehicle not equipped with an ignition -interlock device.

(\* \* \* b) A violation of this\* \* \* subsection (4) is a misdemeanor and upon conviction the violator shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.

(\* \* \* c) A person shall not be in violation of this\* \* \* subsection (4) if:

\* \* \* (i) The starting of a motor vehicle equipped with an ignition -interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the\* \* \* restriction does not operate the vehicle; or

\* \* \* (ii) The court finds that a person is required to operate a motor vehicle in the course and scope of the person's employment. If the vehicle is owned by the person's employer, the person may operate that vehicle during regular working hours for the purposes of employment without installation of an ignition -interlock device if the employer has been notified of\* \* \* the driving privilege restriction and if proof of that notification is kept with the vehicle at all times. This employment exemption does not apply if the business entity that owns the vehicle is owned or controlled by the person who is prohibited from operating the motor vehicle not equipped with an ignition -interlock device.

(\* \* \* 5) (\* \* \* a) A judge may also order that the vehicle owned or operated by a person or a family member of any person who committed a violation of Section 63-11-30 be equipped with an ignition -interlock device for all or a portion of the time the driver's license of the operator of such vehicle is suspended or restricted pursuant to this section, if:

\* \* \* (i) The operator of the vehicle used to violate Section 63-11-30 has at least one (1) prior conviction for driving a motor vehicle when\* \* \* the person's privilege to do

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so is cancelled, suspended or revoked as provided by Section 63-11-30; or

\* \* \* (ii) The driver's license of the operator of\* \* \* the vehicle was cancelled, suspended or revoked at the time of the violation of Section 63-11-30.

(\* \* \* b) The provisions of this\* \* \* subsection (\* \* \* 5) shall not apply if the vehicle used to commit the violation of Section 63-11-30, was, at the time of\* \* \* the violation, rented or stolen.

(\* \* \* 6) The provisions of this section are supplemental to the provisions of Section 63-11-30.

**SECTION 3.** Section 63-1-21, Mississippi Code of 1972, is amended as follows:

63-1-21. (1) To obtain a new or original driver's or operator's license, every applicant other than a person holding an out-of-state license shall first obtain a temporary driving permit by paying a fee of One Dollar (\$1.00) to the Department of Public Safety, successfully completing the examination provided for in Section 63-1-33, and paying the examination fee provided for in Section 63-1-43.

(2) A temporary driving permit entitles the holder, provided the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A temporary driving permit may be issued to any applicant who is at least fifteen (15) years of age. A temporary driving permit shall be valid for a period of two (2) years from the date of issue.

(3) (a) An intermediate license allows unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and allows unsupervised driving any time for a person traveling directly to or from work. At all other times the intermediate licensee must be supervised by a parent, guardian or other person age twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.

(b) The fee for issuance of an intermediate license shall be Five Dollars (\$5.00).



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(4) An ignition-interlock-restricted driver's license allows a person to drive only a motor vehicle equipped with an ignition-interlock device.

( \* \* \* 5) Except as otherwise provided by Section 63-1-6, every applicant for a restricted motorcycle operator's license or a motorcycle endorsement shall first obtain a temporary motorcycle driving permit by paying a fee of One Dollar (\$1.00) to the Department of Public Safety, successfully completing the examination provided for in Section 63-1-33, and paying the examination fee provided for in Section 63-1-43. All applicants for a temporary motorcycle permit shall:

(a) Be at least fifteen (15) years of age;

(b) Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;

(c) Be prohibited from transporting a passenger on a motorcycle;

(d) Be prohibited from operating a motorcycle upon any controlled access highway; and

(e) Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as temporary driving permits issued for vehicles other than motorcycles.

**SECTION 4.** Section 63-1-43, Mississippi Code of 1972, is amended as follows:

63-1-43. (1) The fee for receiving the application and issuing the regular driver's or operator's license and the fee for renewing the license shall be:

(a) Eighteen Dollars (\$18.00) plus the applicable photograph fee for each applicant for a four-year license;

(b) Forty Dollars (\$40.00) plus the applicable photograph fee for each applicant for an eight-year license;

(c) Three Dollars (\$3.00) plus the applicable photograph fee for each applicant for a one-year license, except as provided in paragraph (d) of this subsection;



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(d) Eighteen Dollars (\$18.00) plus the applicable photograph fee for a license for an applicant who is not a United States citizen and who does not possess a social security number issued by the United States government; \* \* \*

(e) (i) Fifty Dollars (\$50.00) plus the applicable photograph fee for an ignition-interlock-restricted driver's license which shall be provided to the Department of Public Safety to defray the costs associated with the department's duties and responsibilities regarding ignition-interlock device usage.

(ii) There is created in the State Treasury a special fund to be known as the Ignition-Interlock Device Fund. The purpose of the fund shall be to provide funding for the Driver's License Bureau of the Department of Public Safety and also to provide funding assistance for ignition-interlock devices for persons determined by the court to be unable to afford the installation and maintenance of an ignition-interlock device. Monies from the fund shall be distributed by the State Treasurer upon warrants issued by the Department of Public Safety. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

1. Monies appropriated by the Legislature for the purposes of funding the Driver's License Bureau;

2. The interest accruing to the fund;

3. Monies paid by a person for an ignition-interlock device under Section 63-11-31(2) (a); and

4. Monies received from such other sources as may be provided by law; and

(\* \* \* f) In addition to the fees required in paragraph (a) of this subsection, an applicant may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

All originals and renewals of regular operators' licenses shall be in compliance with Section 63-1-47.

(2) The fee for receiving the application and issuing a motorcycle endorsement shall be Five Dollars (\$5.00) when issued as an endorsement to a four-year license, and Ten Dollars (\$10.00) when issued as an endorsement to an eight-year license. Motorcycle endorsements shall be valid for the same period of time as the applicant's operator's license.

(3) The fee for receiving the application and issuing a restricted motorcycle operator's license and the fee for renewing such license shall be:

(a) Eleven Dollars (\$11.00) plus the applicable photograph fee for a four-year license;

(b) Eight Dollars (\$8.00) plus the applicable photograph fee for a one-year license; and

(c) Twenty-two Dollars (\$22.00) plus the applicable photograph fee for an eight-year license.

All originals and renewals of restricted motorcycle licenses shall be valid for the same period of time that an original regular driver's license may be issued to such person in compliance with Section 63-1-47.

(4) From and after January 1, 1990, every person who makes application for an original license or a renewal license to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as such terms are defined in Section 27-19-3, except for those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, shall, in lieu of the regular driver's license above provided for, apply for and obtain a Class D commercial driver's license. Except as otherwise provided in subsection (5) of this section, the fee for the issuance of a Class D commercial driver's license shall be Twenty-three Dollars (\$23.00) plus the applicable photograph fee for a period of four (4) years; however, except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a commercial license regardless of the purpose for which the pickup truck is used.

Except as otherwise provided in subsection (5) of this section, all originals and renewals of commercial licenses issued under this section shall be valid for a period of four (4) years, in compliance with Section 63-1-47. Only persons who operate the above-mentioned vehicles in the course of the regular and customary business of the owner shall be

required to obtain a Class D commercial operator's license, and persons operating such vehicles for private purposes or in emergencies shall not be required to obtain such license.

(5) The original and each renewal of a commercial driver's license issued under this section to a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall be issued for a period of one (1) year for a fee of Eight Dollars (\$8.00) plus the applicable photograph fee and shall expire one (1) year from the date of issuance. Such person may renew a commercial license issued under this section within thirty (30) days of expiration of the license.

(6) The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be used by the department to defray the cost of future photography and driver's license technology initiatives.

**SECTION 5.** Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) Except as otherwise provided in this section, each applicant for an original license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday.

(a) Except as otherwise provided in this section, all renewal licenses shall be for a four-year period or an eight-year period, at the option of the applicant, and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

(b) From and after January 1, 1990, no commercial driver's license shall be issued under the provisions of this article for any commercial motor vehicle, the lawful operation of which requires the driver to obtain a Class A, B or C commercial driver's license under Article 5 of this chapter;

however, from time to time, the holder of a commercial license may apply for a commercial driver's license under Article 5 of this chapter; and, if he fails to pass the required test for such license, he shall be entitled to an extension of his license that shall be valid for one hundred twenty (120) days or until he again is tested under Article 5 of this chapter, whichever occurs first. The extension shall entitle the license holder to operate all vehicles which such license authorized him to operate prior to taking the required test. The first extension shall be without charge; however, a fee of Fifteen Dollars (\$15.00) shall be imposed for any subsequent extension. No extension shall be valid past March 31, 1992.

(2) Any commercial driver's license issued under this article before January 1, 1990, which expires after March 31, 1992, shall be void on April 1, 1992, for the operation of any commercial vehicle requiring a commercial license to be issued under Article 5 of this chapter; however, if the holder of any such license applies for a commercial driver's license under Article 5 of this chapter, passes the required tests for such license, pays all applicable fees under Article 5 of this chapter except the Forty Dollars (\$40.00) license fee and otherwise meets all requirements for the issuance of such license, then such person shall be issued a license under Article 5 of this chapter which shall expire on the expiration date of the commercial driver's license being replaced.

(3) The fee for the issuance of an original and renewals of a Class D commercial driver's license under this article to an applicant who is not a United States citizen and who does not possess a social security number issued by the United States government and the period for which such license will be valid and expire shall be as prescribed in Section 63-1-43.

(4) The Commissioner of Public Safety shall notify, by United States mail addressed to the last known address of record with the Department of Public Safety, all holders of a commercial driver's license issued under this article before January 1, 1990, and which\*.\*.\* expires after March 31, 1992, that such license will be void on and after April 1, 1992, for the operation of any vehicle for which a commercial driver's license is required to be issued under Article 5 of this chapter.

(5) Any person holding a valid commercial driver's license issued under this article before January 1, 1990, shall



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continue thereafter, until expiration of such license, to be entitled to operate all vehicles which such license authorized him to operate immediately before January 1, 1990, except that from and after April 1, 1992, such license shall not entitle the licensee to operate a commercial motor vehicle the lawful operation of which requires a commercial driver's license under Article 5 of this chapter.

(6) (a) All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section 63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days prior to the date of application.

(b) All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section 63-1-10.

(c) The commissioner shall suspend the driver's license, intermediate license or temporary learning permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license, intermediate license or temporary learning permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

(7) (a) Any original or renewal license issued under this article to a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section 63-1-43.



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(b) Any applicant for an original or renewal license under this subsection (7) must present valid documentary evidence documenting that the applicant:

(i) Is a citizen or national of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent residence status in the United States;

(iv) Has approved application for asylum in the United States or has entered into the United States in refugee status;

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;

(vi) Has a pending application for asylum in the United States;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status;

(ix) Has pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(8) The term of an ignition-interlock-restricted driver's license issued pursuant to this article shall be four (4) years.

**SECTION 6.** Section 63-11-21, Mississippi Code of 1972, is amended as follows:

63-11-21. If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the

test shall subject him to\* \* \* punishment consistent with the penalties prescribed\* \* \* for conviction under Section 63-11-30\* \* \* and Section 63-11-31. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor, or any other substance which may impair a person's mental or physical ability, stating such grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement officer.

**SECTION 7.** Section 63-11-23, Mississippi Code of 1972, is amended as follows:

63-11-23. (1) The Commissioner of Public Safety, or his authorized agent, shall review the sworn report by a law enforcement officer as provided in Section 63-11-21. If upon\* \* \* review the Commissioner of Public Safety, or his authorized agent, finds (a) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance\* \* \* that may impair a person's mental or physical ability; (b) that he refused to submit to the test upon request of the officer; and (c) that the person was informed that his license and\* \* \* driving privileges would be suspended or denied if he refused to submit to the chemical test, then the Commissioner of Public Safety, or his authorized agent, shall give notice to the licensee that his license or permit to drive, or any nonresident operating privilege, shall be suspended thirty (30) days after the date of\* \* \* the notice for a period of ninety (90) days in the event\* \* \* the person has not previously been convicted of a violation of Section 63-11-30, or, for a period of one (1) year in the event of any previous conviction of\* \* \* the person under Section 63-11-30. In the event the commissioner or his authorized agent determines that the license should not be suspended, he shall return the license or permit to the licensee.

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The notice of suspension shall be in writing and given in the manner provided in Section 63-1-52(2) (a) .

(2) If the chemical testing of a person's breath indicates the blood alcohol concentration was eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, or breath, or urine, the arresting officer shall seize the license and give the driver a receipt for his license on forms prescribed by the Commissioner of Public Safety and shall promptly forward the license together with a sworn report to the Commissioner of Public Safety. The receipt given a person as provided herein shall be valid as a permit to operate a motor vehicle for a period of thirty (30) days in order that the defendant be processed through the court having original jurisdiction and a final disposition had. If the defendant requests a trial within thirty (30) days and\* \* \* trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is the fault of the defendant or his counsel. If the court finds that\* \* \* it is not the fault of the defendant or his counsel, then the court shall order the defendant's driving privileges to be extended until\* \* \* the defendant is convicted. If a receipt or permit to drive issued pursuant to the provisions of this subsection expires without a trial having been requested as provided for in this subsection, then the Commissioner of Public Safety or his authorized agent shall suspend the license or permit to drive or any nonresident operating privilege for the applicable period of time as provided for in subsection (1) of this section.

(3) If the person is a resident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety, or his authorized agent, shall deny to the person the issuance of a license or permit for a period of one (1) year beginning thirty (30) days after the date of notice of such suspension.

(4) It shall be the duty of the county prosecuting attorney, an attorney employed under the provisions of Section 19-3-49,

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or in the event there is no such prosecuting attorney for the county, the duty of the district attorney to represent the state in any hearing held under the provisions of Section 63-11-25, under the provisions of Section 63-11-37(2) or under the provisions of Section 63-11-30(2) (a).

(5) The provisions of this section shall not apply to any person who has been nonadjudicated under Section 63-11-30.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2014.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 482**

**Description:** Mississippi Interagency Council on Homelessness; create.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 448

**History of Actions:**

- 1 01/21 (H) Referred To Youth and Family Affairs
- 2 01/31 (H) Title Suff Do Pass Comm Sub
- 3 02/07 (H) Committee Substitute Adopted
- 4 02/07 (H) Passed {Vote}
- 5 02/11 (H) Transmitted To Senate
- 6 02/12 (S) Referred To Public Health and Welfare
- 7 03/05 (S) Title Suff Do Pass As Amended
- 8 03/12 (S) Amended
- 9 03/12 (S) Passed As Amended {Vote}
- 10 03/13 (S) Returned For Concurrence
- 11 03/14 (H) Concurred in Amend From Senate {Vote}
- 12 03/18 (H) Enrolled Bill Signed
- 13 03/19 (S) Enrolled Bill Signed
- 14 03/25 Approved by Governor

**Amendments:**

- [S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 482

**----- Additional Information -----**

**House Committee:** Youth and Family Affairs

**Senate Committee:** Public Health and Welfare

**Principal Author:** Barker

**Additional Authors:** Clarke, Holland, Bain

**Title:** AN ACT TO CREATE THE MISSISSIPPI INTERAGENCY COUNCIL ON HOMELESSNESS; TO SET FORTH THE DUTIES AND PURPOSES OF THE



COUNCIL; TO PROVIDE THE MEMBERSHIP OF THE COUNCIL; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 482

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Youth and Family Affairs

By: Representatives Barker, Clarke, Holland, Bain

**House Bill 482**

(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI INTERAGENCY COUNCIL ON HOMELESSNESS; TO SET FORTH THE DUTIES AND PURPOSES OF THE COUNCIL; TO PROVIDE THE MEMBERSHIP OF THE COUNCIL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) There is created the Mississippi Interagency Council on Homelessness. The purpose of the council is to establish, develop and implement a plan to reduce homelessness that includes a strong focus on the needs of homeless children, youth and families, as well as individuals and veterans who are homeless.

(2) In addition to the duties prescribed in subsection (1) the council shall annually make a report to the Governor, the House of Representatives, the Senate and the public regarding the council's progress in meeting its goals and objectives.

(3) The council shall be composed of the following members:

(a) A representative from the Office of the Governor, appointed by the Governor;

(b) The Chairperson or his designee of the Youth and Family Affairs Committee of the House of Representatives and the Chairperson or his designee of the Housing Committee of the Senate;

(c) The Executive Director of the Department of Health and Human Services or his designee;

(d) The Executive Director of the Department of Mental Health or his designee;

(e) The Executive Director of the Mississippi Development Authority or his designee;

(f) The State Superintendent of the Department of Education or his designee;

## 2013 GENERAL LAWS OF MISSISSIPPI HB 482

(g) A representative of Partners to End Homelessness, appointed by the Governor;

(h) A representative of Mississippi United to End Homelessness, appointed by the Governor;

(i) A representative of Open Doors Counseling Center, appointed by the Governor;

(j) A representative of a school district that is working on the McKinney-Vento Homeless Education Assistance Act, appointed by the State Superintendent of Education;

(k) A representative of the Mississippi Campaign to End Child Homelessness, appointed by the Governor;

(l) Two (2) directors from homeless and domestic violence emergency shelters, appointed by the Governor;

(m) A youth who is or has been homeless, appointed by the State Superintendent of Education;

(n) A representative of the Oakley Youth Development Center, appointed by the Governor;

(o) The Executive Director of the State Veterans Affairs Board or his designee;

(p) The Executive Director of Hope Enterprises, or his designee; and

(q) A representative from a community action agency appointed by the Governor.

(4) Appointments shall be made within thirty (30) days after the effective date of this act. Within fifteen (15) days thereafter on a day to be designated jointly by the Speaker of the House and the Lieutenant Governor, the council shall meet and organize by selecting from its membership a chairperson and a vice chairperson. The vice chairperson shall also serve as secretary and shall be responsible for keeping all records of the council. A majority of the members of the council shall constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the council shall be required. All members shall be notified in writing of all meetings, and those notices shall be mailed at least fifteen (15) days before the date on which a meeting is to be held.

(5) Members of the council shall serve without compensation for their services, and the council shall perform its duties

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without legislative appropriation or the use of any state funds for that purpose; however, the council, by approval of a majority of the appointed members of the council, is authorized to accept funds that may be donated or provided in the form of financial grants from public or private sources. In addition, any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, shall provide, at the request of the chair of the council, such facilities, assistance and data as will enable the council to carry out its duties.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

## Mississippi Legislature 2013 Regular Session

### House Bill 508

**Description:** Wireless communication devices; authorize use of by certain faculty members or agents of various divisions of MSU Extension Services.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 452

**History of Actions:**

- 1 01/21 (H) Referred To Public Utilities
- 2 01/30 (H) Title Suff Do Pass Comm Sub
- 3 02/11 (H) Committee Substitute Adopted
- 4 02/11 (H) Passed {Vote}
- 5 02/13 (H) Transmitted To Senate
- 6 02/15 (S) Referred To Universities and Colleges;

**Energy**

- 7 02/28 (S) DR - TSDPAA: UC To EN
- 8 03/04 (S) Title Suff Do Pass As Amended
- 9 03/12 (S) Amended
- 10 03/12 (S) Passed As Amended {Vote}
- 11 03/13 (S) Returned For Concurrence
- 12 03/14 (H) Concurred in Amend From Senate {Vote}
- 13 03/18 (H) Enrolled Bill Signed
- 14 03/19 (S) Enrolled Bill Signed
- 15 03/25 Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 508

**Code Section:** A 025-0053-0191

**----- Additional Information -----**

**House Committee:** Public Utilities

**Senate Committee:** Universities and Colleges, Energy



**Principal Author:** Sullivan

**Title:** AN ACT TO CREATE NEW SECTION 37-113-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN DIVISIONS OF THE MISSISSIPPI STATE UNIVERSITY EXTENSION SERVICE TO AUTHORIZE THE USE OF WIRELESS COMMUNICATION DEVICES FOR DELIVERY OF PROGRAMMING INFORMATION; TO AUTHORIZE THE DIRECTORS OF THE VARIOUS DIVISIONS TO DESIGNATE A FACULTY MEMBER OR EXTENSION SERVICE AGENT TO USE THE DEVICES AND TO PROVIDE A WRITTEN AND SIGNED STATEMENT OF NEED AND PURPOSE OF USE; TO PROHIBIT THE USE OF THE DEVICES FOR PERSONAL USE; TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972, TO EXEMPT THESE DIVISIONS FROM THE REQUIREMENTS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY AS IT RELATES TO THE USE OF WIRELESS COMMUNICATION DEVICES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 508

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Utilities

By: Representative Sullivan

**House Bill 508**

(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 37-113-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN DIVISIONS OF THE MISSISSIPPI STATE UNIVERSITY EXTENSION SERVICE TO AUTHORIZE THE USE OF WIRELESS COMMUNICATION DEVICES FOR DELIVERY OF PROGRAMMING INFORMATION; TO AUTHORIZE THE DIRECTORS OF THE VARIOUS DIVISIONS TO DESIGNATE A FACULTY MEMBER OR EXTENSION SERVICE AGENT TO USE THE DEVICES AND TO PROVIDE A WRITTEN AND SIGNED STATEMENT OF NEED AND PURPOSE OF USE; TO PROHIBIT THE USE OF THE DEVICES FOR PERSONAL USE; TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972, TO EXEMPT THESE DIVISIONS FROM THE REQUIREMENTS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY AS IT RELATES TO THE USE OF WIRELESS COMMUNICATION DEVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following shall be codified as Section 37-113-20, Mississippi Code of 1972:

37-113-20. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them in this section unless the context otherwise clearly requires:

(a) "Wireless communication device" means any handheld, portable or mobile electronic device capable of transmitting or exchanging data in the form of multimedia, graphics, text, or voice that meets all the following criteria:

(i) The device has a wireless communication capability and is mobile;

(ii) The device requires an upfront or periodic charge or fee to utilize the wireless communications capability; and

(iii) The wireless communication capability that requires an upfront or periodic fee is activated.

For purposes of this section, a notebook or laptop computer is not considered a wireless communication device.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 508

(b) "Director" means the Mississippi State University Extension Service Director, the Mississippi State University Agricultural and Forestry Experiment Station Director, the Mississippi State University Forestry and Wildlife Research Center Director or the Dean of the Mississippi State University College of Veterinary Medicine.

(2) The director or his designee may, at his discretion, assign or otherwise make available for usage one or more wireless communications devices to a faculty member or an agent of the Mississippi State University Extension Service under his direct or indirect supervision after the director, or his designee, signs a statement certifying the need or purpose for issuing the device. No faculty member or extension service agent to whom has been assigned a wireless communication device under this paragraph shall use the assigned device for personal use except in those cases where the personal use does not incur additional charges or fees as a result of the personal use. A detailed billing of wireless services for devices referred to in this paragraph shall be obtained on a periodic basis and reviewed by the director, or his designee, to audit usage and verify compliance with this section.

(3) No state-appropriated funds shall be used to pay for the acquisition or use of a wireless communication device issued under this section.

**SECTION 2.** Section 25-53-191, Mississippi Code of 1972, is amended as follows:

25-53-191. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them in this section unless the context otherwise clearly requires:

(a) "Department" means the Mississippi Department of Information Technology.

(b) "State agency" means any agency, department, commission, board, bureau, institution or other instrumentality of the state.

(c) "Wireless communication device" means a cellular telephone, pager or a personal digital assistant device having wireless communication capability.

(2) Before a wireless communication device may be assigned, issued or made available to an agency officer or employee, the agency head, or his designee, shall sign a statement

certifying the need or reason for issuing the device. No officer or employee of any state agency, except for an officer or employee of the Mississippi Emergency Management Agency, shall be assigned or issued more than one (1) such wireless communication device. No officer or employee of any state agency to whom has been assigned, issued or made available the use of a wireless communication device, the cost of which is paid through the use of public funds, shall use such device for personal use.

(3) A state agency shall not reimburse any officer or employee for use of his or her personal wireless communication device.

(4) Every state agency that, at the expense of the state agency, assigns, issues or makes available to any of its officers or employees a wireless communication device shall obtain and maintain detailed billing for every wireless communication device account. A list of approved vendors for the procurement of wireless communication devices and the delivery of wireless communication device services shall be developed for all state agencies by the Mississippi Department of Information Technology Services in conjunction with the Wireless Communication Commission created in Section 25-53-171. The department, in conjunction with the Wireless Communication Commission, shall exercise the option of selecting one (1) vendor from which to procure wireless communication devices and to provide wireless communication device services, or if it deems such to be most advantageous to the state agencies, it may select multiple vendors. The department, in conjunction with the Wireless Communication Commission, shall select a vendor or vendors on the basis of lowest and best bid proposals. A state agency may not procure a wireless communication device from any vendor or contract for wireless communication device services with any vendor unless the vendor appears on the list approved by the department, in conjunction with the Wireless Communication Commission. A contract entered into in violation of this section shall be void and unenforceable.

(5) The department shall promulgate a model acceptable use policy defining the appropriate use of all wireless communication devices. The acceptable use policy should specify that these resources, including both devices and services, are provided at the state agency's expense as tools for accomplishing



the business missions of the state agency; that all those resources are for business use; and that more than incidental personal use of those resources is prohibited. The acceptable use policy should require that each official and employee issued one (1) of the above devices or authorized to access one (1) of the above services sign the policy and that the signed copy be placed in the personnel file of the official or employee. The acceptable use policy should also require that the use of these resources be tracked, verified and signed by the official or employee and the supervisor of the official or employee at each billing cycle or other appropriate interval. All state agencies shall adopt the model policy or adopt a policy that is, at minimum, as stringent as the model policy and shall provide a copy of the policy to the department.

(6) All state agencies shall purchase or acquire only the lowest cost cellular telephone, pager or personal digital assistance device which will carry out its intended use.

(7) The University of Mississippi Medical Center and\* \*  
\* its employees, the Mississippi State University Extension Service and its agents and faculty members, the Mississippi State University Agricultural and Forestry Experiment Station and its faculty members, the Mississippi State University Forestry and Wildlife Research Center and its faculty members, and the Mississippi State University College of Veterinary Medicine and its faculty members shall be exempt from the application of this section.

(8) The State Auditor shall conduct necessary audits to ensure compliance with the provisions of this section.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 524**

**Description:** Dept. of Wildlife; authorize to enter into agreement with local EPAs to maintain and operate state park electrical infrastructure.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 466

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (H) | Referred To Wildlife, Fisheries and Parks |
| 2  | 01/31 | (H) | Title Suff Do Pass Comm Sub               |
| 3  | 02/12 | (H) | Committee Substitute Adopted              |
| 4  | 02/12 | (H) | Passed {Vote}                             |
| 5  | 02/14 | (H) | Transmitted To Senate                     |
| 6  | 02/15 | (S) | Referred To Wildlife, Fisheries and Parks |
| 7  | 02/28 | (S) | Title Suff Do Pass As Amended             |
| 8  | 03/07 | (S) | Amended                                   |
| 9  | 03/07 | (S) | Passed As Amended {Vote}                  |
| 10 | 03/08 | (S) | Returned For Concurrence                  |
| 11 | 03/13 | (H) | Concurred in Amend From Senate {Vote}     |
| 12 | 03/20 | (H) | Enrolled Bill Signed                      |
| 13 | 03/20 | (S) | Enrolled Bill Signed                      |
| 14 | 03/26 |     | Approved by Governor                      |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 524

**Code Section:** A 055-0003-0033, A 077-0005-0231, A 031-0007-0013

**----- Additional Information -----**

**House Committee:** Wildlife, Fisheries and Parks

**Senate Committee:** Wildlife, Fisheries and Parks

**Principal Author:** Bounds

**Additional Authors:** Morgan

***Title:*** AN ACT TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO CONTRACT WITH ELECTRIC PUBLIC UTILITIES FOR THE TRANSFER OF AUTHORITY TO UPGRADE, MAINTAIN AND OPERATE THE ELECTRICAL INFRASTRUCTURE WITHIN CERTAIN STATE PARKS; TO EXEMPT THE AGREEMENTS ENTERED INTO BY THE DEPARTMENT AND ELECTRIC PUBLIC UTILITIES FROM STATE BID LAW REQUIREMENTS; TO AMEND SECTIONS 77-5-231 AND 31-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 524

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks

By: Representatives Bounds, Morgan

**House Bill 524**

(As Sent to Governor)

AN ACT TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO CONTRACT WITH ELECTRIC PUBLIC UTILITIES FOR THE TRANSFER OF AUTHORITY TO UPGRADE, MAINTAIN AND OPERATE THE ELECTRICAL INFRASTRUCTURE WITHIN CERTAIN STATE PARKS; TO EXEMPT THE AGREEMENTS ENTERED INTO BY THE DEPARTMENT AND ELECTRIC PUBLIC UTILITIES FROM STATE BID LAW REQUIREMENTS; TO AMEND SECTIONS 77-5-231 AND 31-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 55-3-33, Mississippi Code of 1972, is amended as follows:

55-3-33. (1) The Mississippi Department of Wildlife, Fisheries and Parks\* \* \* may:

(a) Take charge and have full jurisdiction and control over all state parks, which parks shall be operated for the purpose of providing outdoor recreational activities and enjoyment for the citizens of the State of Mississippi and for the purpose of attracting visitors to the state.

(b) Set up a uniform accounting procedure for the state parks and prescribe the manner in which books, records and accounts shall be kept, which procedure shall account for all monies taken in and expended by the various parks and shall provide for periodic audits of such books.

(c) Accept gifts, bequests of money or other property, real or personal, to be used for the purpose of advancing the recreation and conservation interests in state parks. The department is authorized, subject to approval by the State Legislature, to purchase property, real or personal, to be used for state park purposes.

(d) Contract with the State Transportation Commission, any municipality or board of supervisors of the state for

locating, constructing and maintaining roads and other improvements in state parks and for payment of a part of the costs thereof; however, no county or municipality more than twenty-five (25) miles distant from a state park may contract for, or do, or pay for any such work for a state park other than the International Gardens of Mississippi. Any county or municipality authorized to assist financially under the provisions of Sections 55-3-31 through 55-3-51 is authorized, in the discretion of its respective governing authority, to set aside, appropriate and expend monies from the General Fund for the purpose of defraying such expense after a mandatory election is held on the question within the county or municipality.

(e) Designate employees as peace officers with power to make arrests for infraction of the rules and regulations of the department. Such officers are authorized to carry weapons and to enforce the laws of the State of Mississippi within the confines of a state park.

(f) Enforce and delegate the responsibility to enforce all reasonable rules and regulations governing the occupancy and use of lands and waters in state parks under its jurisdiction, supply recreational and conservation facilities and charge fees for the use of same; review all rates and charges for facilities and accommodations furnished at the various state parks annually, making such charges as are justified; and establish fees for entrance to state parks.

(g) To periodically establish a discounted fee or fees for the entry and use of selected state parks and recreational facilities. The discounted fee or fees shall only be used for the purpose or purposes of marketing and promotion to increase the patronage and revenue of those selected parks and facilities. The discounted fee or fees shall not be considered a donation of state property.

Each park shall retain from revenues generated therein, a sum sufficient to pay necessary expenses of operation, but in no event to be less than seventy-five percent (75%) of such revenues.

(2) The department shall have the authority to lease to any entity, sell and convey or otherwise transfer to any county or municipality, or close any state park or historical site within its jurisdiction which received a general fund subsidy in fiscal year 1985 in excess of Two Dollars (\$2.00)

per visitor to such state park or historical site; provided, however, that this authority shall not include the authority to sell, lease or convey any park that was not in operation under the jurisdiction of the department for a full fiscal year prior to fiscal year 1986.

(3) The department may execute agreements with rails-to-trails and recreational districts by which the department will assume responsibility for the operation and maintenance of trails developed under Sections 55-25-1 through 55-25-15.

(4) (a) The department may contract with the electric public utility with a certificate of public convenience and necessity to serve the area where a state park is located for the transfer of ownership of the electrical infrastructure in the state park to that electric public utility.

(b) If the electric public utility enters into an agreement for the operation and maintenance of electrical facilities in a state park, the electric public utility may perform any upgrades to the electrical infrastructure of the park that are necessary for the electrical infrastructure to be in compliance with the electric public utility standards. The electric public utility may assess the costs of the upgrades to the department upon the terms and conditions agreed to by the department and the electric public utility.

(c) The department may contract with the electric public utility with the certificate of public convenience and necessity to serve the area for the erection, construction, maintenance, operation and control of electric distribution substations, electric transmission lines, electrical appurtenances, electrical appliances or electrical equipment necessary or useful in the operation or distribution of electric power or energy in the state park.

(d) Any agreement entered into by the department and an electric public utility under this subsection is exempt from the public purchasing requirements under Section 31-7-13.

**SECTION 2.** Section 77-5-231, Mississippi Code of 1972, is amended as follows:

77-5-231. A corporation created under the provisions of this article shall have power to do any and all acts or things necessary or convenient for carrying out the purposes for which it was formed, including, but not limited to:



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(a) To sue and be sued.

(b) To have a seal and alter the same at pleasure.

(c) To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or property or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine.

(d) To render service and to acquire, own, operate, maintain and improve a system or systems within the state and in counties adjacent thereto.

(e) To pledge all or any part of its revenues and to mortgage or otherwise incumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its bonds or other obligations.

(f) To use any right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a system, granted by the state or any political subdivision thereof, provided that the governing body of such political subdivision shall consent to such use, and to have and exercise the power of eminent domain in the manner provided by the condemnation laws of this state for acquiring private property for public use, such right to be paramount except as to the property of the state or of any political subdivision thereof.

(g) To accept gifts or grants of money, property, real or personal, from any person, municipality or federal agency and to accept voluntary and uncompensated services.

(h) To make any and all contracts necessary or convenient for the full exercise of the powers in this article granted, including, but not limited to, contracts with any person, federal agency, state agency or municipality for the purchase, transfer or sale of energy and/or the acquisition of all or any part of any system, and in connection with any such contract to stipulate and agree to such covenants, terms and conditions as the board may deem appropriate, including covenants, terms and conditions with respect to the resale rates, financial and accounting methods, services, operation and maintenance practices and the manner of disposing of

the revenues of the system operated and maintained by the corporation.

(i) To sell, lease, or otherwise dispose of all or any part of its property, subject however to the provisions of Section 77-5-237.

(j) To contract debts, borrow money and to issue, assume or indorse the payment of bonds or other evidences of indebtedness.

(k) To fix, maintain and collect fees, rents, tolls and other charges for services rendered.

(l) To acquire and to sell, lease, distribute and generally to deal in electrical and plumbing appliances, apparatus, machinery and equipment for the purpose of and in connection with the promotion of the sale of electric energy to its customers; to assist its customers to purchase or otherwise obtain such appliances, apparatus, machinery and equipment; to assist its customers to wire their premises and to install therein such appliances, apparatus, machinery and equipment; to acquire and to indorse, sell, pledge, hypothecate and dispose of notes, bonds and other obligations of its customers in carrying out the purposes expressed in this paragraph.

(m) To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents and employees, or by contracts with any person, federal agency or municipality.

(n) To condemn any land, easements, or rights-of-way, either on, under, or above the ground, as the association may deem necessary for any purposes mentioned in this article, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations or persons having the power of eminent domain, or otherwise held or used for public purposes. Such power of condemnation may be exercised in the mode or method of procedure prescribed by Chapter 27\* \* \*, Title 11, Mississippi Code of 1972, or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain. Where condemnation proceedings become necessary, the judge of the circuit court or the judge of the county court in counties where the county

court exists, in which such proceedings are filed, shall, upon application of the authority, and upon the deposit in court, to the use of the person or persons lawfully entitled thereto, of such amount as the judge may deem necessary to assure just compensation, order that the right of possession shall issue immediately or as soon and upon such terms as the judge, in his discretion, may deem just and proper. Upon application of the parties in interest other than the corporation, the judge may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceedings.

**SECTION 3.** Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over \$5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars (\$5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

(b) **Bidding procedure for purchases over \$5,000.00 but not over \$50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars (\$5,000.00) but not more than Fifty Thousand Dollars (\$50,000.00), exclusive of freight and shipping charges may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars (\$50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with

regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or their designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or their designee, constituting a violation of law in accepting any bid without approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars (\$5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

**(c) Bidding procedure for purchases over \$50,000.00.**

**(i) Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars (\$50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid. All references



to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. The purchasing entity may designate the method by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, bids received via a reverse auction, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars (\$50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars (\$25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the



Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique Internet Web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet Web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated Web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated Web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated Web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the Web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans

and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders

are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) Agencies and governing authorities may establish secure procedures by which bids may be submitted via electronic means.

**(d) Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in paragraph (d)(i), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in paragraph (d)

(i), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the



vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8). Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars (\$10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two



(2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations

necessary to secure the lowest and best contract available for the purchase of such commodities.

**(i) Road construction petroleum products price adjustment clause authorization.** Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

**(j) State agency emergency purchase procedure.** If the governing board or the executive head, or his designee, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the provisions herein for competitive bidding shall not apply and the head of such agency shall be authorized to make the purchase or repair. Total purchases so made shall only be for the purpose of meeting needs created by the emergency situation. In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of the board of such agency. The head of such agency, or his designee, shall, at the earliest possible date following such emergency purchase, file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the

emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency, if applicable.

**(k) Governing authority emergency purchase procedure.**

If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority.

**(l) Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability

of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include



the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this section. It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration.



(ix) **Waste disposal facility construction contracts.**

Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, video cassette tapes, filmstrips and slides; recorded audio tapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders, audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products.** From and after January 1, 1991, purchases made by state agencies or governing authorities involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in

Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (1)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the

Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxix) **Design-build method and dual-phase design-build method of contracting.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxix) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxix) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxix) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxix) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing



authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and



products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars (\$50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request

for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or

governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars (\$1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 578**

**Description:** Department of Corrections; authorize to contract for housing of males at certain county/regional correctional facility.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 422

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (H) | Referred To Corrections; County Affairs |
| 2  | 01/30 | (H) | DR - TSDP: CN To CA                     |
| 3  | 01/31 | (H) | DR - TSDP: CA To CN                     |
| 4  | 01/31 | (H) | Title Suff Do Pass                      |
| 5  | 02/14 | (H) | Amended                                 |
| 6  | 02/14 | (H) | Passed As Amended {Vote}                |
| 7  | 02/20 | (H) | Transmitted To Senate                   |
| 8  | 02/22 | (S) | Referred To Corrections; Appropriations |
| 9  | 02/28 | (S) | DR - TSDP: CR To AP                     |
| 10 | 03/05 | (S) | Title Suff Do Pass                      |
| 11 | 03/12 | (S) | Passed {Vote}                           |
| 12 | 03/13 | (S) | Transmitted To House                    |
| 13 | 03/15 | (H) | Enrolled Bill Signed                    |
| 14 | 03/15 | (S) | Enrolled Bill Signed                    |
| 15 | 03/21 |     | Approved by Governor                    |

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

**Code Section:** A 047-0005-0931

**----- Additional Information -----**

**House Committee:** Corrections, County Affairs

**Senate Committee:** Corrections, Appropriations

**Principal Author:** Flags

***Title:*** AN ACT TO AMEND SECTION 47-5-931, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE KEMPER-NESHIBA COUNTY/REGIONAL CORRECTIONAL FACILITY TO HOUSE MALE OFFENDERS AT SUCH FACILITY; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 578

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Corrections; County Affairs

By: Representative Flaggs

**House Bill 578**

(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-931, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE KEMPER-NESHOBA COUNTY/REGIONAL CORRECTIONAL FACILITY TO HOUSE MALE OFFENDERS AT SUCH FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 47-5-931, Mississippi Code of 1972, is amended as follows:

47-5-931. (1) The Department of Corrections, in its discretion, may contract with the board of supervisors of one or more counties and/or with a regional facility operated by one or more counties, to provide for housing, care and control of not more than three hundred (300) offenders who are in the custody of the State of Mississippi. Any facility owned or leased by a county or counties for this purpose shall be designed, constructed, operated and maintained in accordance with American Correctional Association standards, and shall comply with all constitutional standards of the United States and the State of Mississippi, and with all court orders that may now or hereinafter be applicable to the facility. If the Department of Corrections contracts with more than one (1) county to house state offenders in county correctional facilities, excluding a regional facility, then the first of such facilities shall be constructed in Sharkey County and the second of such facilities shall be constructed in Jefferson County.

(2) The Department of Corrections shall contract with the\*  
\* \* board of supervisors of the following counties to house state inmates in regional facilities: (a) Marion and Walthall Counties; (b) Carroll and Montgomery Counties; (c) Stone and Pearl River Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba Counties; (f) Holmes County and any contiguous county in which there is located an unapproved jail; and (g) Bolivar County and any contiguous county in

which there is located an unapproved jail. The Department of Corrections may contract with the\* \* \* board of supervisors of the following counties to house state inmates in regional facilities: (a) Yazoo County, (b) Chickasaw County, (c) George and Greene Counties, (d) Washington County, (e) Hinds County, and (f) Alcorn County. The Department of Corrections shall decide the order of priority of the counties listed in this subsection with which it will contract for the housing of state inmates. For the purposes of this subsection, the term "unapproved jail" means any jail that the local grand jury determines should be condemned or has found to be of substandard condition or in need of substantial repair or reconstruction.

(3) In addition to the number of offenders authorized to be housed under subsection (1) of this section, the Department of Corrections may contract with the Kemper and Neshoba regional facility to provide for housing, care and control of not more than seventy-five (75)\* \* \* additional offenders who are in the custody of the State of Mississippi.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 649**

**Description:** Election contests; revise how judges are designated to hear.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* VRA

*Chapter Number:* 432

**History of Actions:**

1	01/21	(H)	Referred To Apportionment and Elections
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/13	(H)	Tabled Subject To Call
4	02/14	(H)	Committee Substitute Adopted
5	02/14	(H)	Passed {Vote}
6	02/18	(H)	Transmitted To Senate
7	02/20	(S)	Referred To Elections
8	02/28	(S)	Title Suff Do Pass
9	03/12	(S)	Passed {Vote}
10	03/13	(S)	Transmitted To House
11	03/15	(H)	Enrolled Bill Signed
12	03/15	(S)	Enrolled Bill Signed
13	03/21		Approved by Governor

**Code Section:** A 023-0015-0951

**----- Additional Information -----**

**House Committee:** Apportionment and Elections

**Senate Committee:** Elections

**Principal Author:** Denny

**Title:** AN ACT TO AMEND SECTION 23-15-951, MISSISSIPPI CODE OF 1972, TO REVISE HOW A JUDGE IS DESIGNATED TO HEAR AN ELECTION CONTEST; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 649

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Apportionment and Elections

By: Representative Denny

**House Bill 649**

(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-951, MISSISSIPPI CODE OF 1972, TO REVISE HOW A JUDGE IS DESIGNATED TO HEAR AN ELECTION CONTEST; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 23-15-951, Mississippi Code of 1972, is amended as follows:

23-15-951. Except as otherwise provided by Section 23-15-955 or 23-15-961, a person desiring to contest the election of another person returned as elected to any office within any county, may, within twenty (20) days after the election, file a petition in the office of the clerk of the circuit court of the county, setting forth the grounds upon which the election is contested\* \* \*. When such a petition is filed, the circuit clerk shall immediately notify, by registered letter, telegraph, telephone, or personally the Chief Justice of the Supreme Court or in his absence, or disability, some other Justice of the Supreme Court, who shall forthwith designate and notify a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. The circuit clerk shall also cause a copy of such petition to be served upon the contestee, which shall serve as notice to such contestee.

The Supreme Court shall compile a list of judges throughout the state to hear such disputes before an election. It shall be the official duty of the designated circuit judge or chancellor to proceed to discharge the duty of hearing the contest at the earliest possible date. The date of the contest shall be fixed by the judge or chancellor, and the judge or chancellor shall provide reasonable notice to the contestant and the contestee of the date and time fixed for the contest. The judge or chancellor shall cause the contestant and contestee to be

served in a reasonable manner. When the contestee is served, such contestee shall promptly file his answer, and cross-complaint, if the contestee has a cross-complaint.

The court shall, at the first term, cause an issue to be made up and tried by a jury, and the verdict of the jury shall find the person having the greatest number of legal votes at the election. If the jury shall find against the person returned elected, the clerk shall issue a certificate thereof; and the person in whose favor the jury shall find shall be commissioned by the Governor, and shall qualify and enter upon the duties of his office. Each party shall be allowed ten (10) peremptory challenges, and new trials shall be granted and costs awarded as in other cases. In case the election of district attorney or other state district election be contested, the petition may be filed in any county of the district or in any county of an adjoining district within twenty (20) days after the election, and like proceedings shall be had thereon as in the case of county officers, and the person found to be entitled to the office shall qualify as required by law and enter upon the duties of his office.

A person desiring to contest the election of another person returned as elected to any seat in the Mississippi Legislature shall comply with the provisions of Section 23-15-955. A person desiring to contest the qualifications of a candidate for nomination in a political party primary election shall comply with the provisions of Section 23-15-961.

**SECTION 2.** The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

**SECTION 3.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 672**

**Description:** Dyslexia Education Scholarship Program; increase maximum number of students eligible to 20.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 429

**History of Actions:**

- |    |       |     |                                       |
|----|-------|-----|---------------------------------------|
| 1  | 01/21 | (H) | Referred To Education; Appropriations |
| 2  | 01/28 | (H) | DR - TSDPAA: ED To AP                 |
| 3  | 01/31 | (H) | DR - TSDPAA: AP To ED                 |
| 4  | 01/31 | (H) | Title Suff Do Pass As Amended         |
| 5  | 02/13 | (H) | Amended                               |
| 6  | 02/13 | (H) | Passed As Amended {Vote}              |
| 7  | 02/18 | (H) | Transmitted To Senate                 |
| 8  | 02/20 | (S) | Referred To Education; Appropriations |
| 9  | 02/26 | (S) | DR - TSDP: ED To AP                   |
| 10 | 03/05 | (S) | Title Suff Do Pass                    |
| 11 | 03/12 | (S) | Passed {Vote}                         |
| 12 | 03/13 | (S) | Transmitted To House                  |
| 13 | 03/15 | (H) | Enrolled Bill Signed                  |
| 14 | 03/15 | (S) | Enrolled Bill Signed                  |
| 15 | 03/21 |     | Approved by Governor                  |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

**Code Section:** A 037-0159-0053

**----- Additional Information -----**

**House Committee:** Education, Appropriations

**Senate Committee:** Education, Appropriations

**Principal Author:** Byrd

***Additional Authors:*** Arnold, Boyd, Carpenter, Haney, Martinson, McLeod, Monsour, Staples

***Title:*** AN ACT TO AMEND SECTION 37-159-53, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF STUDENTS ELIGIBLE FOR SCHOLARSHIPS UNDER THE MISSISSIPPI DYSLEXIA EDUCATION SCHOLARSHIP PROGRAM FROM 10 TO 20; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 672

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education; Appropriations

By: Representatives Byrd, Arnold, Boyd, Carpenter, Haney,  
Martinson, McLeod, Monsour, Staples

### House Bill 672

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-159-53, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF STUDENTS ELIGIBLE FOR SCHOLARSHIPS UNDER THE MISSISSIPPI DYSLEXIA EDUCATION SCHOLARSHIP PROGRAM FROM 10 TO 20; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-159-53, Mississippi Code of 1972, is amended as follows:

37-159-53. (1) The Mississippi Dyslexia Education Scholarship Program shall be administered in the same manner as the Critical Needs Teacher Scholarship Program, pursuant to Section 37-159-3, Mississippi Code of 1972, and shall be incorporated into the Critical Needs Teacher Scholarship Program for all purposes.

(2) Funding for the establishment and continued operation of the Mississippi Dyslexia Education Scholarship Program shall be administered by the Board of Trustees of State Institutions of Higher Learning through a special fund established within the Critical Needs Teacher Scholarship Program\* \* \*. The board may accept and receive monetary gifts and donations from any source, public or private, which such funds shall be deposited in the special fund for the benefit of the Mississippi Dyslexia Education Scholarship Program with the Critical Needs Teacher Scholarship Program.

(3) No more than\* \* \* twenty (20) students per cohort shall be selected annually to be admitted into the program for receipt of scholarship funds beginning with the 2013-2014 academic year. However, scholarships awarded under the program shall be provided only to students who have been accepted into a Dyslexia Therapy Master's Degree Co-hort Program approved by the State Department of Education that provides instructional training as required under Chapter 173, Title 37, Mississippi Code of 1972, for dyslexia therapy

**2013 GENERAL LAWS OF MISSISSIPPI HB 672**

in preparation of those co-hort students for AA licensure by the department.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 714**

**Description:** Forfeiture of bond; revise.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 424

**History of Actions:**

- 1 01/21 (H) Referred To Judiciary A
- 2 02/05 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Committee Substitute Adopted
- 4 02/13 (H) Passed {Vote}
- 5 02/13 (H) Motion to Reconsider Entered (Wooten,  
Baker, Reynolds)
- 6 02/14 (H) Motion to Reconsider Tabled
- 7 02/15 (H) Transmitted To Senate
- 8 02/19 (S) Referred To Judiciary, Division B
- 9 03/05 (S) Title Suff Do Pass
- 10 03/12 (S) Passed {Vote}
- 11 03/13 (S) Transmitted To House
- 12 03/15 (H) Enrolled Bill Signed
- 13 03/15 (S) Enrolled Bill Signed
- 14 03/21 Approved by Governor

**Code Section:** A 099-0005-0025

**----- Additional Information -----**

**House Committee:** Judiciary A

**Senate Committee:** Judiciary, Division B

**Principal Author:** Rogers (61st)

**Title:** AN ACT TO AMEND SECTION 99-5-25, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS REGARDING FORFEITURE OF BOND; AND FOR RELATED PURPOSES.



## 2013 GENERAL LAWS OF MISSISSIPPI HB 714

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary A

By: Representative Rogers (61st)

### House Bill 714

(As Sent to Governor)

AN ACT TO AMEND SECTION 99-5-25, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS REGARDING FORFEITURE OF BOND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 99-5-25, Mississippi Code of 1972, is amended as follows:

99-5-25. (1) (a) The purpose of bail is to guarantee appearance and a bail bond shall not be forfeited for any other reason.

(b) If a defendant in any criminal case, proceeding or matter fails to appear for any proceeding as ordered by the court, then the court shall order the bail forfeited and a judgment nisi and a bench warrant issued at the time of nonappearance. The clerk of the court shall notify the surety of the forfeiture by writ of scire facias, with a copy of the judgment nisi and bench warrant attached thereto, within ten (10) working days of such order of judgment nisi either by personal service or by certified mail. Failure of the clerk to provide the required notice within ten (10) working days shall constitute prima facie evidence that the order should be set aside. Any felony warrant issued by a court for nonappearance shall be put on the National Crime Information Center (NCIC) until the defendant is returned to custody.

(c) The judgment nisi shall be returnable for ninety (90) days from the date of issuance. If during such period the defendant appears before the court, or is arrested and surrendered, then the judgment nisi shall be set aside and a copy of the judgment that is set aside shall be served on the surety by personal service or certified mail. If the surety produces the defendant or provides to the court reasonable mitigating circumstances upon such showing, then the forfeiture shall not be made final. If the forfeiture is made final, a copy of the final judgment shall be served on the surety within

ten (10) working days by either personal service or certified mail. Reasonable mitigating circumstances shall be that the defendant is incarcerated in another jurisdiction, that the defendant is hospitalized under a doctor's care, that the defendant is in a recognized drug rehabilitation program, that the defendant has been placed in a witness protection program and it shall be the duty of any such agency placing such defendant into a witness protection program to notify the court and the court to notify the surety, or any other reason justifiable to the court.

(d) Execution upon the final judgment shall be automatically stayed for ninety (90) days from the date of entry of the final judgment. If, at any time before execution of the final judgment, the defendant appears in court either voluntarily or in custody after surrender or arrest, the court shall on its own motion direct that the forfeiture be set aside and the bond exonerated as of the date the defendant first appeared in court.

(2) If a final judgment is entered against a surety licensed by the Department of Insurance and has not been set aside after ninety (90) days, or later if such time is extended by the court issuing the judgment nisi, then the court shall order the department to revoke the authority of\* \* \* the surety to write bail bonds. The commissioner shall, upon notice of the court, notify\* \* \* the surety within five (5) working days of receipt of revocation. If after ten (10) working days of such notification the revocation order has not been set aside by the court, then the commissioner shall revoke the authority of the surety and all agents of the surety and shall notify the sheriff of every county of such revocation.

(3) If within eighteen (18) months of the date of the final forfeiture the defendant appears for court, is arrested or surrendered to the court, or if the defendant is found to be incarcerated in another jurisdiction and a hold order placed on the defendant, then the amount of bail, less reasonable extradition cost, excluding attorney fees, shall be refunded by the court upon application by the surety.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 718**

**Description:** Interagency Farm to School Council; establish.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 464

**History of Actions:**

1	01/21	(H)	Referred To Agriculture
2	01/31	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/15	(S)	Referred To Agriculture
6	02/25	(S)	Title Suff Do Pass
7	03/07	(S)	Amended
8	03/07	(S)	Passed As Amended {Vote}
9	03/08	(S)	Returned For Concurrence
10	03/13	(H)	Concurred in Amend From Senate {Vote}
11	03/20	(H)	Enrolled Bill Signed
12	03/20	(S)	Enrolled Bill Signed
13	03/26		Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 718

**----- Additional Information -----**

**House Committee:** Agriculture

**Senate Committee:** Agriculture

**Principal Author:** Barker

**Additional Authors:** Eaton, Bell, Pigott, Sullivan, Whittington

**Title:** AN ACT TO CREATE AN INTERAGENCY FARM TO SCHOOL COUNCIL TO FACILITATE THE PROCUREMENT AND USE OF LOCALLY GROWN AND LOCALLY RAISED AGRICULTURAL PRODUCTS IN SCHOOL MEALS IN ORDER

**2013 GENERAL LAWS OF MISSISSIPPI HB 718**

TO IMPROVE THE QUALITY OF FOOD SERVED IN SCHOOLS AND TO SUPPORT THE STATE ECONOMY BY GENERATING NEW INCOME FOR MISSISSIPPI FARMERS; TO DESCRIBE THE MEMBERSHIP OF THE COUNCIL; TO SET FORTH THE DUTIES AND PURPOSES OF THE COUNCIL; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 718

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Agriculture

By: Representatives Barker, Eaton, Bell, Pigott, Sullivan,  
Whittington

**House Bill 718**

(As Sent to Governor)

AN ACT TO CREATE AN INTERAGENCY FARM TO SCHOOL COUNCIL TO FACILITATE THE PROCUREMENT AND USE OF LOCALLY GROWN AND LOCALLY RAISED AGRICULTURAL PRODUCTS IN SCHOOL MEALS IN ORDER TO IMPROVE THE QUALITY OF FOOD SERVED IN SCHOOLS AND TO SUPPORT THE STATE ECONOMY BY GENERATING NEW INCOME FOR MISSISSIPPI FARMERS; TO DESCRIBE THE MEMBERSHIP OF THE COUNCIL; TO SET FORTH THE DUTIES AND PURPOSES OF THE COUNCIL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) There is created an Interagency Farm to School Council, to identify models and methods of promoting farm to school programs in the state in order to improve the availability of healthy, fresh foods in schools and to promote the economic development of Mississippi farmers and food producers.

(2) The council shall be composed of the following members:

(a) One (1) person who represents the State Department of Education, appointed by the State Superintendent of Public Education;

(b) One (1) person who represents the Mississippi Department of Agriculture and Commerce, appointed by the Commissioner of Agriculture and Commerce;

(c) One (1) person who represents the State Department of Health, appointed by the State Health Officer;

(d) One (1) person who represents the Mississippi State University Extension Program;

(e) One (1) person who represents the Alcorn State University Extension Program;

(f) One (1) person who represents food service directors in Mississippi public schools, appointed by the State Superintendent of Public Education;



**2013 GENERAL LAWS OF MISSISSIPPI HB 718**

(g) One (1) person who represents a nonprofit organization in Mississippi working to promote farm to school programs, appointed by the Commissioner of Agriculture and Commerce;

(h) One (1) person who represents poultry producers in Mississippi, appointed by the President of the Mississippi Poultry Association;

(i) One (1) person who represents the Mississippi Farm Bureau Federation.

(3) In appointing members of the council, the appointing authority shall ensure that the members reflect the diversity of this state, with members representing rural areas, urban areas and different geographical regions of the state.

(4) The council is charged with facilitating the creation and growth of farm to school programs in communities throughout the State of Mississippi through studying, recommending and administering best practices for creating farm to school programs. This can be accomplished with actions including, but not limited to:

(a) Creating and administering an assessment or survey designed to evaluate what specific programs or efforts would be the most effective in increasing the number of farm to school programs in the State of Mississippi;

(b) Helping to develop and expand local pilot farm to school programs in Mississippi;

(c) Notifying and assisting interested schools, farms, and community organizations in applying for funding sources and grants related to supporting and decreasing the cost of purchasing locally grown and locally raised agricultural products to serve in school meals;

(d) Assisting Mississippi farmers in marketing and building commercial relationships with food service directors in schools;

(e) Developing or administering training programs for Mississippi farmers related to marketing crops, food safety, processing crops, business management, liability and risk management, and any other topics deemed appropriate by the council;

(f) Working with the Mississippi Department of Education Office of Child Nutrition to assist school food service directors in creating and amending school procedures, procurement forms,

## 2013 GENERAL LAWS OF MISSISSIPPI HB 718

proper handling, preparing and storing procedures in order to facilitate the purchase of locally grown and locally raised agricultural products to be served in school meals;

(g) Developing or assisting an organization in developing a website that lists schools and farmers interested in participating in farm to school programs, promotes farm to school events and programs throughout the state and promotes communication and sales between Mississippi farmers and schools; and

(h) Encouraging schools, community organizations, restaurants, grocery retail stores and other local organizations and businesses to purchase more locally grown and locally raised agricultural products to serve or sell through their businesses in order to support and increase local farmers' capacity to grow and produce food for commercial purposes.

(5) The council should hold its first meeting no later than August 1, 2013, with the date, time and location of this first meeting to be determined jointly by the members serving on the council. At the first meeting, the council shall elect a chairman, vice chairman, and any other officers deemed necessary, from its members. The council shall meet periodically but no less than four (4) times per year.

(6) Members of the council shall serve without compensation or reimbursement for their expenses related to participating in the council, and the council shall function without appropriations or state funds. However, the council can accept funds that may be offered as financial grants from public or private sources. The Mississippi State Legislature and any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, may provide, at the request of the chair of the council, such facilities, assistance and data as will enable the council to carry out its duties.

(7) The council shall report its progress and findings to the Education Committees of the House of Representatives and the Senate, the Agriculture Committees of the House of Representatives and the Senate, the Public Health and Human Services Committee of the House of Representatives, the Public Health and Welfare Committee of the Senate, or any successor committees, on or before January 1, 2015, and once annually in each following year in which the council is convened.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 718

(8) The provisions of this section shall stand repealed from and after July 1, 2015.

**SECTION 2.** For purposes of this act, the following terms shall have the meanings herein ascribed unless the context clearly indicates otherwise:

(a) "Council" means the Interagency Farm to School Council created in Section 1 of this act.

(b) "Farm to school program" means any commercial relationship where a school purchases locally grown or locally raised agricultural products to serve in school meals and can include educational programs for students on local agriculture and nutrition;

(c) "Locally grown or locally raised agricultural products" means any food products grown on Mississippi farms or gardens, and includes, but is not limited to, fruits, vegetables, and nuts grown in Mississippi, meat, poultry, eggs, dairy, fish, seafood and other aquatic products produced in Mississippi, and products processed into value-added products that are grown or produced in Mississippi;

(d) "School" means any K-12 accredited public or private institution for learning and also includes public and private preschools.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 748**

**Description:** Mississippi Reciprocal Insurance Law; revise.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 459

**History of Actions:**

- |    |       |     |  |
|----|-------|-----|--|
| 1  | 01/21 | (H) | Referred To Insurance                                      |
| 2  | 01/29 | (H) | Title Suff Do Pass Comm Sub                                |
| 3  | 02/01 | (H) | Committee Substitute Adopted                               |
| 4  | 02/01 | (H) | Passed {Vote}  |
| 5  | 02/01 | (H) | Motion to Reconsider Entered (Baria,<br>Chism, Buck (5th)) |
| 6  | 02/04 | (H) | Motion to Reconsider Tabled                                |
| 7  | 02/05 | (H) | Transmitted To Senate                                      |
| 8  | 02/13 | (S) | Referred To Insurance                                      |
| 9  | 02/20 | (S) | Title Suff Do Pass As Amended                              |
| 10 | 03/07 | (S) | Amended  |
| 11 | 03/07 | (S) | Passed As Amended {Vote}                                   |
| 12 | 03/08 | (S) | Returned For Concurrence                                   |
| 13 | 03/12 | (H) | Concurred in Amend From Senate {Vote}                      |
| 14 | 03/18 | (H) | Enrolled Bill Signed                                       |
| 15 | 03/19 | (S) | Enrolled Bill Signed                                       |
| 16 | 03/25 |     | Approved by Governor                                       |

**Amendments:**

[S] Committee Amendment No 1 **Adopted** Voice Vote  
Amendment Report for House Bill No. 748

**Code Section:** A 083-0033-0001, A 083-0033-0003, A 083-0033-0005, A 083-0033-0007,  
A 083-0033-0011, A 083-0033-0013, A 083-0033-0015, A 083-0033-0017, A 083-0033-  
0019, A 083-0021-0003

----- Additional Information -----



*House Committee:* Insurance

*Senate Committee:* Insurance

*Principal Author:* Chism

**Title:** AN ACT TO AMEND SECTION 83-33-1, MISSISSIPPI CODE OF 1972, TO ALLOW ANY LEGAL ENTITY AUTHORIZED TO EXIST UNDER MISSISSIPPI LAW TO ENTER INTO AND EXCHANGE RECIPROCAL CONTRACTS; TO AMEND SECTION 83-33-3, MISSISSIPPI CODE OF 1972, TO ALLOW THE ATTORNEY TO BE A LIMITED LIABILITY COMPANY; TO AMEND SECTION 83-33-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DECLARATION SHALL SET FORTH THE NAME AND PRINCIPAL OFFICE ADDRESS OF THE RECIPROCAL AND THE NAME AND PRINCIPAL OFFICE ADDRESS OF THE ATTORNEY IN FACT OF THE RECIPROCAL; TO REDUCE THE NUMBER OF SEPARATE RISKS REQUIRED FROM 75 TO 10; TO AMEND SECTION 83-33-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE RECIPROCAL MAY SUE OR BE SUED IN ITS OWN NAME; TO PROHIBIT SUBSCRIBERS FROM BEING SUED; TO AMEND SECTION 83-33-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE CAPITAL, SURPLUS AND RESERVE REQUIREMENTS FOR A RECIPROCAL ARE THE SAME AS A STOCK COMPANY; TO AMEND SECTION 83-33-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE RECIPROCAL MUST FILE THE REQUIRED ANNUAL STATEMENT; TO AMEND SECTION 83-33-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TERM COMMISSIONER OF INSURANCE; TO AMEND SECTION 83-33-17, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE INSURANCE LICENSE WILL BE HELD BY THE RECIPROCAL AND NOT THE ATTORNEY IN FACT; TO AMEND SECTION 83-33-19, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE RECIPROCAL MUST PAY THE TAX ON PREMIUM RECEIPTS; TO CREATE NEW SECTION 83-33-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EVERY SUBSCRIBER MAY EXECUTE A SUBSCRIBER'S AGREEMENT AND POWER OF ATTORNEY; TO PROVIDE THAT IF A DOMESTIC RECIPROCAL REQUIRES EXECUTION THEN THE SUBSCRIBER IS BOUND BY THE EXECUTED AGREEMENT; TO PROVIDE THAT IF THE DOMESTIC RECIPROCAL DOES NOT REQUIRE EXECUTION, THEN THE SUBSCRIBER IS BOUND BY THE AGREEMENT APPROVED BY THE COMMISSIONER OF INSURANCE; TO CREATE NEW SECTION 83-33-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A BOARD OF DIRECTORS TO GOVERN A RECIPROCAL; TO CREATE NEW SECTION 83-33-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RECIPROCALS TO RETURN TO ITS SUBSCRIBERS ANY SAVINGS OR CREDITS ACCRUING TO THEIR ACCOUNTS; TO CREATE NEW SECTION 83-33-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DOMESTIC RECIPROCAL MAY APPLY FOR AND SHALL RECEIVE A CERTIFICATE OF NONASSESSABILITY ALLOWING IT TO ISSUE NONASSESSABLE POLICIES IF IT HAS AND MAINTAINS A MINIMUM SURPLUS AT LEAST EQUAL TO THE MINIMUM CAPITAL AND SURPLUS REQUIRED OF A DOMESTIC STOCK INSURER; TO CREATE NEW SECTION 83-33-29, MISSISSIPPI CODE OF 1972, TO PROHIBIT DOMESTIC RECIPROCALS THAT HAVE NOT BEEN



ISSUED A CERTIFICATE ALLOWING FOR THE ISSUANCE OF NONASSESSABLE POLICIES FROM ISSUING SUCH POLICIES; TO PROVIDE THE CONTINGENT ASSESSMENT LIABILITY REQUIREMENTS; TO CREATE NEW SECTION 83-33-31, MISSISSIPPI CODE OF 1972, TO PROVIDE REQUIREMENTS FOR COMPUTATION AND TIMING OF ASSESSMENTS; TO CREATE NEW SECTION 83-33-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SUBSCRIBERS ARE NOT PERSONALLY LIABLE FOR THE PAYMENT OF A RECIPROCAL'S DEBTS OR OBLIGATIONS; TO CREATE NEW SECTION 83-33-35, MISSISSIPPI CODE OF 1972, TO CLARIFY LICENSING REQUIREMENTS OF EMPLOYEES AND AGENTS OF A RECIPROCAL AND ITS ATTORNEY; TO CREATE NEW SECTION 83-33-37, MISSISSIPPI CODE OF 1972, TO ALLOW TWO OR MORE RECIPROCALs TO COMBINE INTO ONE RECIPROCAL IF APPROVED BY THE COMMISSIONER OF INSURANCE; TO AMEND SECTION 83-21-3, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR FOREIGN INSURANCE COMPANIES TO BE ADMITTED TO DO BUSINESS IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 748

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance

By: Representative Chism

**House Bill 748**

(As Sent to Governor)

AN ACT TO AMEND SECTION 83-33-1, MISSISSIPPI CODE OF 1972, TO ALLOW ANY LEGAL ENTITY AUTHORIZED TO EXIST UNDER MISSISSIPPI LAW TO ENTER INTO AND EXCHANGE RECIPROCAL CONTRACTS; TO AMEND SECTION 83-33-3, MISSISSIPPI CODE OF 1972, TO ALLOW THE ATTORNEY TO BE A LIMITED LIABILITY COMPANY; TO AMEND SECTION 83-33-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DECLARATION SHALL SET FORTH THE NAME AND PRINCIPAL OFFICE ADDRESS OF THE RECIPROCAL AND THE NAME AND PRINCIPAL OFFICE ADDRESS OF THE ATTORNEY IN FACT OF THE RECIPROCAL; TO REDUCE THE NUMBER OF SEPARATE RISKS REQUIRED FROM 75 TO 10; TO AMEND SECTION 83-33-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE RECIPROCAL MAY SUE OR BE SUED IN ITS OWN NAME; TO PROHIBIT SUBSCRIBERS FROM BEING SUED; TO AMEND SECTION 83-33-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE CAPITAL, SURPLUS AND RESERVE REQUIREMENTS FOR A RECIPROCAL ARE THE SAME AS A STOCK COMPANY; TO AMEND SECTION 83-33-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE RECIPROCAL MUST FILE THE REQUIRED ANNUAL STATEMENT; TO AMEND SECTION 83-33-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TERM COMMISSIONER OF INSURANCE; TO AMEND SECTION 83-33-17, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE INSURANCE LICENSE WILL BE HELD BY THE RECIPROCAL AND NOT THE ATTORNEY IN FACT; TO AMEND SECTION 83-33-19, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE RECIPROCAL MUST PAY THE TAX ON PREMIUM RECEIPTS; TO CREATE NEW SECTION 83-33-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EVERY SUBSCRIBER MAY EXECUTE A SUBSCRIBER'S AGREEMENT AND POWER OF ATTORNEY; TO PROVIDE THAT IF A DOMESTIC RECIPROCAL REQUIRES EXECUTION THEN THE SUBSCRIBER IS BOUND BY THE EXECUTED AGREEMENT; TO PROVIDE THAT IF THE DOMESTIC RECIPROCAL DOES NOT REQUIRE EXECUTION, THEN THE SUBSCRIBER IS BOUND BY THE AGREEMENT APPROVED BY THE COMMISSIONER OF INSURANCE; TO CREATE NEW SECTION 83-33-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A BOARD OF DIRECTORS TO GOVERN A RECIPROCAL; TO CREATE NEW SECTION 83-33-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RECIPROCALS TO RETURN TO ITS SUBSCRIBERS ANY SAVINGS OR CREDITS ACCRUING TO

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THEIR ACCOUNTS; TO CREATE NEW SECTION 83-33-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DOMESTIC RECIPROCAL MAY APPLY FOR AND SHALL RECEIVE A CERTIFICATE OF NONASSESSABILITY ALLOWING IT TO ISSUE NONASSESSABLE POLICIES IF IT HAS AND MAINTAINS A MINIMUM SURPLUS AT LEAST EQUAL TO THE MINIMUM CAPITAL AND SURPLUS REQUIRED OF A DOMESTIC STOCK INSURER; TO CREATE NEW SECTION 83-33-29, MISSISSIPPI CODE OF 1972, TO PROHIBIT DOMESTIC RECIPROCALLS THAT HAVE NOT BEEN ISSUED A CERTIFICATE ALLOWING FOR THE ISSUANCE OF NONASSESSABLE POLICIES FROM ISSUING SUCH POLICIES; TO PROVIDE THE CONTINGENT ASSESSMENT LIABILITY REQUIREMENTS; TO CREATE NEW SECTION 83-33-31, MISSISSIPPI CODE OF 1972, TO PROVIDE REQUIREMENTS FOR COMPUTATION AND TIMING OF ASSESSMENTS; TO CREATE NEW SECTION 83-33-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SUBSCRIBERS ARE NOT PERSONALLY LIABLE FOR THE PAYMENT OF A RECIPROCAL'S DEBTS OR OBLIGATIONS; TO CREATE NEW SECTION 83-33-35, MISSISSIPPI CODE OF 1972, TO CLARIFY LICENSING REQUIREMENTS OF EMPLOYEES AND AGENTS OF A RECIPROCAL AND ITS ATTORNEY; TO CREATE NEW SECTION 83-33-37, MISSISSIPPI CODE OF 1972, TO ALLOW TWO OR MORE RECIPROCALLS TO COMBINE INTO ONE RECIPROCAL IF APPROVED BY THE COMMISSIONER OF INSURANCE; TO AMEND SECTION 83-21-3, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR FOREIGN INSURANCE COMPANIES TO BE ADMITTED TO DO BUSINESS IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 83-33-1, Mississippi Code of 1972, is amended as follows:

83-33-1. Individuals, partnerships\* \* \*, corporations, limited liability companies, public hospitals, including community hospitals, and all other types of entities authorized to exist under the laws of this state, designated as subscribers, may exchange reciprocal or interinsurance contracts with each other or with individuals\* \* \* and all types of entities authorized to exist under the laws of other states, territories, districts and countries, providing insurance or indemnity among themselves from any loss which may be insured against under other provisions of the law except life insurance.

**SECTION 2.** Section 83-33-3, Mississippi Code of 1972, is amended as follows:

83-33-3. Such contracts may be executed by an attorney, agent, or other representative, herein designated attorney, duly authorized and acting for said subscribers, and such attorney may be a corporation or limited liability company. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

**SECTION 3.** Section 83-33-5, Mississippi Code of 1972, is amended as follows:

83-33-5. Such subscribers so contracting among themselves shall, through their attorney, file with the\* \* \* Commissioner of Insurance a declaration verified by the oath of such attorney or, where such attorney is a corporation, by the oath of the proper officer thereof, setting forth:

(a) The name of the\* \* \* reciprocal, which\* \* \* name shall not be so similar to any name\* \* \* adopted by any\* \* \* insurance organization\* \* \* authorized to write the same class of insurance\* \* \* in this state as to confuse\* \* \* or deceive.

(b) The address of the reciprocal's principal office;

(c) The name of the attorney and address of its principal office;

(\* \* \* d) The kind or kinds of insurance to be effected or exchanged.

(\* \* \* e) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged.

(\* \* \* f) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.

(\* \* \* g) The location of office or offices from which such contracts or agreements are to be issued.

(\* \* \* h) That applications have been made for indemnity upon at least\* \* \* ten (10) separate risks aggregating not less than One Million Five Hundred Thousand Dollars (\$1,500,000.00), as represented by executed contracts or bona fide applications to become concurrently effective; or in case of employers' liability or similar classes of insurance, covering a total payroll of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00).



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(\* \* \* i) That there is in the possession of such attorney and available for the payment of losses, assets conforming to Section 83-33-11.

(\* \* \* j) A financial statement in form prescribed for the annual statement.

**SECTION 4.** Section 83-33-7, Mississippi Code of 1972, is amended as follows:

83-33-7. Any reciprocal doing business in this state may sue or be sued in its name as set forth in its certificate of authority or license. Concurrently with the filing of the declaration provided by the terms of Section 83-33-5, the attorney shall file with the\* \* \* Commissioner of Insurance an instrument in writing, executed by him for said subscribers, conditioned that upon the issuance of certificates of authority provided in Section 83-33-17 action may be brought in the county in which the property or person insured thereunder is located, and service of process may be had upon the\* \* \* Commissioner of Insurance in all suits in this state arising out of such policies, contracts, or agreements, which service shall be valid and binding upon\* \* \* the reciprocal\* \* \*. Three (3) copies of each process shall be served, and the Insurance\* \* \* Department shall file one (1) copy, forward one (1) copy to said attorney, and return one (1) copy with his admission of service. All suits of every kind and description brought against such reciprocal must be brought against the reciprocal as such, and shall not and may not be brought against any of the subscribers thereto individually on account of their connection with or membership in such reciprocal, and must be brought in the manner and method above provided. A judgment rendered in any such case where service of process has been so had upon the\* \* \* Commissioner of Insurance shall be valid and binding against\* \* \* the reciprocal, and such judgment may only be satisfied solely out of the funds\* \* \* of the reciprocal.

**SECTION 5.** Section 83-33-11, Mississippi Code of 1972, is amended as follows:

83-33-11. (1) There shall be maintained at all times assets in cash or securities authorized by the laws of this state for the investment of funds of insurance companies doing the same kind of business, an amount equal to one hundred percent (100%) of the unearned premiums or deposits collected and credited to the accounts of subscribers, or fifty percent (50%)



of the advance premiums or deposits collected and credited to the accounts of subscribers on policies having one (1) year or less to run, pro rata on those for longer periods. In addition to the foregoing sum in the case of liability insurance, there shall be maintained as a reserve assets sufficient to discharge all liabilities on all outstanding claims, both reported and incurred but not reported, arising under all policies issued, the same to be calculated on the basis of premiums or deposits as in this section defined and in accordance with the laws of the state relating to similar reserves for companies insuring similar risks. Premiums or deposits as used in this section shall be construed to mean the advance payments made by subscribers. If at any time the assets on hand are less than the foregoing requirements or less than One Hundred Thousand Dollars (\$100,000.00), whichever is the greater, where the attorney is exchanging contracts covering employers' liability or similar classes of insurance, the\* \* \* reciprocal shall make up the deficiency. Whenever such assets are less than the amount above required or less than Fifty Thousand Dollars (\$50,000.00), whichever is the greater, if the attorney is exchanging contracts other than those covering employers' liability or similar classes of insurance, the\* \* \* reciprocal shall make up the deficiency.

(2)\* \* \* Notwithstanding subsection (1) of this section, a reciprocal authorized to transact business under this chapter shall comply with the minimum capital, surplus and reserve requirements of a stock company writing similar lines of insurance.

**SECTION 6.** Section 83-33-13, Mississippi Code of 1972, is amended as follows:

83-33-13. Such\* \* \* reciprocal shall, within the time limited for filing the annual report by insurance companies transacting the same kind of business, make a report to the\* \* \* Commissioner of Insurance for each calendar year showing the financial condition of affairs at the office where such contracts are issued, and shall furnish such additional information and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers, and the amounts retained for expenses, provided, however, that such\* \* \* reciprocal shall not be required to furnish the names and addresses of any subscribers. The business affairs and assets

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of such organization shall be subject to examination by the\*  
\* \* Commissioner of Insurance at the expense of the office  
examined.

**SECTION 7.** Section 83-33-15, Mississippi Code of 1972, is  
amended as follows:

83-33-15. Any attorney who shall exchange any contracts of  
insurance of the kind and character specified in this chapter  
or any attorney or representative of such attorney who shall  
solicit or negotiate any application for same without the  
attorney first complying with the foregoing provisions shall  
be deemed guilty of a misdemeanor and, on conviction thereof,  
shall be subjected to a fine of not less than One Hundred Dollars  
(\$100.00) nor more than One Thousand Dollars (\$1,000.00). For  
the purpose of organization and upon issuance of permit by the\*  
\* \* Commissioner of Insurance, powers of attorney may be  
solicited without license; but no attorney, agent, or other  
persons shall effect any such contracts of insurance until  
all the provisions of this chapter shall have been complied  
with.

**SECTION 8.** Section 83-33-17, Mississippi Code of 1972, is  
amended as follows:

83-33-17. Upon compliance with the foregoing requirements  
and the payment of the fees and taxes provided in this chapter,  
the\* \* \* Commissioner of Insurance shall issue a certificate  
of authority to the\* \* \* reciprocal. The\* \* \* Commissioner of  
Insurance may revoke or suspend any certificate of authority  
issued hereunder in case of breach of any of the conditions  
imposed by this chapter after reasonable notice has been given\*  
\* \* to the reciprocal in writing, so that\* \* \* the reciprocal  
may appear and show cause why such action should not be  
taken. Any\* \* \* reciprocal who may have procured a certificate  
of authority hereunder may have the same renewed annually  
thereafter, provided that any certificate of authority issued  
shall continue in force and effect until a new certificate of  
authority is issued or specifically refused.

**SECTION 9.** Section 83-33-19, Mississippi Code of 1972, is  
amended as follows:

83-33-19. Such\* \* \* reciprocal shall upon the issuance  
of the certificate of authority herein provided pay to the  
state the sum of Two Hundred Dollars (\$200.00), as provided  
in Section 27-15-83, and with the filing of the annual report

herein provided shall pay an annual tax upon the gross premiums or deposits collected from subscribers in this state during the preceding calendar year, after deducting therefrom returns for cancellations, considerations for reinsurance, and all amounts returned to subscribers or credited to their account as savings, as provided in Section 27-15-103 et seq.

**SECTION 10.** The following shall be codified as Section 83-33-21, Mississippi Code of 1972:

83-33-21. (1) Every subscriber of a domestic reciprocal may execute a subscriber's agreement and power of attorney setting forth the rights, privileges and obligations of the subscriber as an underwriter and as a policyholder, and the powers and duties of the attorney and reciprocal.

(2) If a domestic reciprocal requires execution of a subscriber's agreement and power of attorney by a subscriber, then the subscriber, by its execution, shall be bound by the terms and conditions of the subscriber's agreement and power of attorney.

(3) If a domestic reciprocal does not require execution of a subscriber's agreement and power of attorney, the reciprocal shall include on its policies a statement that the subscriber shall be bound by the terms and conditions of the then current subscriber's agreement and power of attorney on file with and as approved by the Commissioner of Insurance, and each subscriber shall by operation of law be bound by such subscriber's agreement and power of attorney as if individually executed by such subscriber. Without additional execution, notice or acceptance, every subscriber of a reciprocal agrees to be bound by any modification of the terms of the subscriber's agreement and power of attorney which is jointly made by the attorney and the board of directors and amendments thereto, which shall be on file with the attorney and Commissioner of Insurance, which shall become effective upon its approval by the Commissioner of Insurance, and which shall by operation of law bind all subscribers the same as if each subscriber adopted and executed the modified subscriber's agreement and power of attorney. No such modification shall be effective retroactively, nor shall it affect any insurance contract issued prior to the modification. The Commissioner of Insurance's approval shall be deemed given if the subscriber's agreement and power of attorney or any amendment is not disapproved within thirty (30) days of its filing.

**SECTION 11.** The following shall be codified as Section 83-33-23, Mississippi Code of 1972:

83-33-23. The board of directors for the reciprocal shall have and exercise the ultimate power over the control and management of the affairs of the reciprocal, subject to the subscriber's agreement. The board of directors shall be selected under rules adopted by the subscribers. At least two-thirds (2/3) of the board of directors of a domestic reciprocal shall be composed of subscribers or representatives of subscribers, other than the attorney or any person employed by or having a financial interest in the attorney. An individual shall not be considered to be employed by or having a financial interest in the attorney if such individual is a subscriber or a representative of a subscriber of the reciprocal. The board of directors may also be referred to as a subscribers advisory committee, board of trustees or by such other name as the board chooses.

**SECTION 12.** The following shall be codified as Section 83-33-25, Mississippi Code of 1972:

83-33-25. A reciprocal may return to its subscribers any savings or credits accruing to their accounts.

**SECTION 13.** The following shall be codified as Section 83-33-27, Mississippi Code of 1972:

83-33-27. (1) A domestic reciprocal insurer may apply for a certificate to issue nonassessable policies of insurance. A nonassessable policy is a policy in which a subscriber may not be assessed pursuant to Sections 83-33-29 and 83-33-31. If a domestic reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital and surplus required to be maintained by a domestic stock insurer authorized to transact like kinds of insurance, upon application by the domestic reciprocal insurer the Commissioner of Insurance shall issue a certificate of nonassessability authorizing the insurer to omit provisions imposing contingent assessment liability in all policies delivered or issued or renewed.

(2) If a domestic reciprocal insurer's surplus of assets over all liabilities falls below the minimum capital and surplus required to be maintained by a domestic stock insurer authorized to transact like kinds of insurance, the Commissioner of Insurance may forthwith revoke the certificate



of nonassessability. The revocation shall not render subject to contingent assessment liability any policy then in force.

**SECTION 14.** The following shall be codified as Section 83-33-29, Mississippi Code of 1972:

83-33-29. (1) Any domestic reciprocal insurer that has not been issued a certificate allowing it to issue nonassessable policies as provided in Section 83-33-27 shall issue assessable policies. An assessable policy is a policy in which the insurer charges an initial premium but may later charge an additional premium in accordance with the provisions of this section and Section 83-33-31.

(2) The contingent assessment liability on any one (1) policy in any one (1) calendar year shall equal the premiums earned on the policy for that year multiplied by not less than one (1) nor more than ten (10) as set forth in the policy.

(3) The contingent assessment liability shall not be joint, but shall be individual and several.

(4) Each assessable policy issued by the insurer shall plainly set forth a statement of the contingent assessment liability on the front of the policy in capital letters in not less than ten point type.

**SECTION 15.** The following shall be codified as Section 83-33-31, Mississippi Code of 1972:

83-33-31. (1) Assessments may be levied against the subscribers of a domestic assessable reciprocal in accordance with Section 83-33-29.

(2) Any assessment levied against the subscribers of a domestic assessable reciprocal shall treat all subscribers equally in that each subscriber's assessment shall be at the same multiple of the subscriber's policies' individual earned premium for the period covered by the assessment. However, no assessment shall exceed the aggregate contingent assessment liability computed in accordance with Section 83-33-29. For the purposes of this section, the premiums earned on the subscriber's policies are the gross premiums charged by the reciprocal for the policies, minus any charges not recurring upon the renewal or extension of the policies. No subscriber shall have an offset against any assessment for which the subscriber is liable on account of any claim for unearned premium or losses payable.



(3) Every subscriber of a domestic reciprocal having contingent assessment liability shall be liable for and shall pay the subscriber's share of any assessment computed in accordance with this section if, while such policy is in force, or within three (3) years after its termination, the subscriber is notified:

(a) By the reciprocal or the attorney of the reciprocal's intention to levy an assessment; or

(b) That delinquency proceedings have been instituted against the reciprocal under this title and the department or receiver intends to levy an assessment.

**SECTION 16.** The following shall be codified as Section 83-33-33, Mississippi Code of 1972:

83-33-33. No subscriber of a reciprocal shall be personally liable for the payment of the reciprocal's debts or obligations. Any judgment obtained against a reciprocal shall be binding and enforceable only upon and against the reciprocal and shall not be binding or enforceable upon or against any of the reciprocal's subscribers. No legal action shall be allowed to be brought or maintained against the subscribers or insureds of a reciprocal for the payment of the reciprocal's debts or obligations; provided, however, nothing in this section shall diminish or eliminate a subscriber's contingent assessment liability under an assessable policy as provided in Sections 83-33-29 and 83-33-31.

**SECTION 17.** The following shall be codified as Section 83-33-35, Mississippi Code of 1972:

83-33-35. The provisions of this code regarding the appointment, licensing, qualification and regulation of insurance agents, brokers and solicitors, do not apply to the reciprocal or its attorney, nor to the salaried representatives of such reciprocal or attorney who receive no commissions, but do apply in the case of any agent, broker or solicitor of any reciprocal who receives any commission.

**SECTION 18.** The following shall be codified as Section 83-33-37, Mississippi Code of 1972:

83-33-37. Two (2) or more reciprocals may combine their assets and liabilities into one (1) reciprocal, subject to the approval of the Commissioner of Insurance.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 748

**SECTION 19.** Section 83-21-3, Mississippi Code of 1972, is amended as follows:

83-21-3. (1) (a) No foreign insurance company, association, or other insurance entity, either stock, mutual, or reciprocal, shall be admitted to do business or granted a certificate of authority or license to do business in this state unless and until such company or association shall have done business for a period of at least two (2) years in the state of its domicile, or unless such company seeking admission is the subsidiary or affiliate of a company already licensed in Mississippi.

(b) The Commissioner of Insurance may waive this requirement upon a written request by the applicant and a finding that the applicant meets the following criteria:

(i) The company provides a service that is considered underserved in the state;

(ii) The company has adequate capital and surplus; and

(iii) The company possesses significant management and business experience in its respective line of business.

(2) No foreign stock insurance company shall be admitted or granted a certificate of authority or license to do business in this state unless its paid-up capital stock and its surplus at the time of licensing or renewal of license shall be equal to that required for the organization or incorporation of a like domestic company under the laws of this state.

(3) No foreign mutual or reciprocal insurance company or association shall be admitted or granted a certificate of authority or license to do business in this state unless, at the time of licensing or renewal of license, its surplus shall be equal to that required by the laws of this state for the organization or formation of a like domestic insurance company or association.

(4) No foreign stock, mutual, or reciprocal insurance company or association, incorporated or organized under the laws of any state of the United States, shall be admitted to do business, or granted a certificate of authority, or have license therefor renewed until such company shall have deposited with the State Treasurer of this state securities in an amount not less than Fifty Thousand Dollars (\$50,000.00). Securities deposited in accordance with this section shall be

classified as admitted assets for the purpose of determining eligibility of such securities. Provided, however, any company maintaining a deposit with the insurance regulatory authority or any other designated public official of its state of domicile, or of any other state, in trust for the benefit of all its policyholders, or policyholders and creditors, may be exempt from the deposit herein provided upon such company delivering to the\* \* \* Commissioner of Insurance a certificate to such effect, duly authenticated by the appropriate state official holding such deposit. The commissioner may require in addition to the certification of deposit by the public official of its state of domicile an amount not less than Fifty Thousand Dollars (\$50,000.00) be deposited with the State Treasurer of this state. Any deposit made in this state under the provisions of this section shall be for the exclusive use and benefit of policyholders, or policyholders and creditors, in this state; and such deposit shall not bar claim to other assets of the company by policyholders, or policyholders and creditors, in this state in the event of insolvency, receivership, or liquidation of the company.

Notwithstanding any other provision of law, the securities eligible for deposit under the insurance laws of this state relating to deposit of securities by an insurance company as a condition of commencing or continuing to do an insurance business in this state may be deposited with a clearing corporation or held in the Federal Reserve book-entry system. Securities deposited with a clearing corporation or held in the Federal Reserve book-entry system and used to meet the deposit requirements under the insurance laws of this state shall be under the control of the\* \* \* Commissioner of Insurance and shall not be withdrawn by the insurance company without the approval of the\* \* \* Commissioner of Insurance. Any insurance company holding securities in such manner shall provide to the\* \* \* Commissioner of Insurance evidence issued by its custodian or member bank through which such insurance company has deposited such securities in a clearing corporation or through which such securities are held in the Federal Reserve book-entry system, respectively, in order to establish that the securities are actually recorded in an account in the name of the custodian or other direct participant or member bank, and that the records of the custodian, other participant or member bank reflect that such securities are held subject to the order of the\* \* \* Commissioner of Insurance.

(5) In case any insurer which has made a deposit with the Commissioner of Insurance, or other designated official or custodian in this state, of cash or securities in trust for the protection of its policyholders or creditors or both in this state, or of its policyholders or creditors or both in the United States, thereafter becomes merged or consolidated in accordance with the laws of this state if a domestic insurer, or in accordance with the laws of its domiciliary state or nation if a foreign or alien insurer, and upon the effectuation of the merger or consolidation, the resulting corporation is or becomes authorized to do business in this state, the commissioner, or other designated official or custodian, as the case may be, upon the resulting corporation's being so authorized, shall release and transfer the cash or securities so deposited by the merged or consolidated insurer to the resulting corporation, or to such person as it may designate to take and receive the same.

If any insurer which has made such a deposit with the Commissioner of Insurance or other designated official or custodian in the state hereafter withdraws from and ceases to do business in this state, and has paid or provided for the payment of all its obligations and liabilities to its policyholders and creditors in this state by the assumption or reinsurance of the same by an insurer which is or becomes authorized to transact business in this state, the Commissioner of Insurance or other designated official or custodian, as the case may be, shall release and transfer the cash or securities constituting its deposit to such withdrawing insurer, or to such person as it may designate to take and receive the same.

Any release or transfer pursuant hereto shall be made upon application to and the written order of the Commissioner of Insurance. Neither the Commissioner of Insurance, nor other designated official or custodian, as the case may be, shall have any liability for the release or transfer of any such deposit made or authorized in good faith.

**SECTION 20.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 749**

**Description:** Bail licensing; revise testing.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 423

**History of Actions:**

1	01/21	(H)	Referred To Judiciary B
2	01/31	(H)	Title Suff Do Pass As Amended
3	02/13	(H)	Amended
4	02/13	(H)	Passed As Amended {Vote}
5	02/18	(H)	Transmitted To Senate
6	02/20	(S)	Referred To Judiciary, Division B
7	03/05	(S)	Title Suff Do Pass
8	03/12	(S)	Passed {Vote}
9	03/13	(S)	Transmitted To House
10	03/15	(H)	Enrolled Bill Signed
11	03/15	(S)	Enrolled Bill Signed
12	03/21		Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

**Code Section:** A 083-0039-0003

**----- Additional Information -----**

**House Committee:** Judiciary B

**Senate Committee:** Judiciary, Division B

**Principal Author:** Rogers (61st)

**Title:** AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO REVISE TESTING REQUIREMENTS FOR LICENSING BAIL AGENTS; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 749

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representative Rogers (61st)

**House Bill 749**

(As Sent to Governor)

AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO REVISE TESTING REQUIREMENTS FOR LICENSING BAIL AGENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 83-39-3, Mississippi Code of 1972, is amended as follows:

83-39-3. (1) No person shall act in the capacity of professional bail agent, soliciting bail agent or bail enforcement agent, as defined in Section 83-39-1, or perform any of the functions, duties or powers of the same unless that person shall be qualified and licensed as provided in this chapter. The terms of this chapter shall not apply to any automobile club or association, financial institution, insurance company or other organization or association or their employees who execute bail bonds on violations arising out of the use of a motor vehicle by their members, policyholders or borrowers when bail bond is not the principal benefit of membership, the policy of insurance or of a loan to such member, policyholder or borrower.

(2) (a) No license shall be issued or renewed except in compliance with this chapter, and none shall be issued except to an individual. No firm, partnership, association or corporation, as such, shall be so licensed. No professional bail agent shall operate under more than one (1) trade name. A soliciting bail agent and bail enforcement agent shall operate only under the professional bail agent's name. No license shall be issued to or renewed for any person who has ever been convicted of a felony or any crime involving moral turpitude or who is under twenty-one (21) years of age. No person engaged as a law enforcement or judicial official or attorney shall be licensed hereunder. A person who is employed in any capacity at any jail or corrections facility that houses state, county or municipal inmates who are bailable, whether the person is a public employee, independent contractor, or the employee

of an independent contractor, may not be licensed under this section.

(b) (i) No person who is a relative of either a sworn state, county or municipal law enforcement official or judicial official, or an employee, independent contractor or the contractor's employee of any police department, sheriff's department, jail or corrections facility that houses or holds federal, state, county or municipal inmates who are bailable, shall write a bond in the county where the law enforcement entity or court in which the person's relative serves is located. "Relative" means a spouse, parent, grandparent, child, sister, brother, or a consanguineous aunt, uncle, niece or nephew. Violation of this prohibition shall result in license revocation.

(ii) No person licensed under this chapter shall act as a personal surety agent in the writing of bail during a period he or she is licensed as a limited surety agent, as defined herein.

(iii) No person licensed under this chapter shall give legal advice or a legal opinion in any form.

(3) The department is vested with the authority to enforce this chapter. The department may conduct investigations or request other state, county or local officials to conduct investigations and promulgate such rules and regulations as may be necessary for the enforcement of this chapter. The department may establish monetary fines and collect such fines as necessary for the enforcement of such rules and regulations. All fines collected shall be deposited in the Special Insurance Department Fund for the operation of that agency.

(4) Each license issued hereunder shall expire biennially on the last day of September, unless revoked or suspended prior thereto by the department, or upon notice served upon the commissioner by the insurer that the authority of a limited surety agent to act for or in behalf of such insurer had been terminated, or upon notice served upon the commissioner that the authority of a soliciting bail agent or bail enforcement agent had been terminated by such professional bail agent. A soliciting bail agent or bail enforcement agent may, upon termination by a professional bail agent or upon his cessation of employment with a professional bail agent, be relicensed without having to comply with the provisions of subsection (7)(a) of this section, if he has held a license in his

respective license category within ninety (90) days of the new application, meets all other requirements set forth in Section 83-39-5 and subsection (7)(b) of this section, and notifies the previous professional bail agent in writing that he is submitting an application for a new license. Licenses shall expire on the last day of September of each odd-numbered year.

(5) The department shall prepare and deliver to each licensee a license showing the name, address and classification of such licensee, and shall certify that the person is a licensed professional bail agent, being designated as a personal surety agent or a limited surety agent, a soliciting bail agent or a bail enforcement agent. In addition, the license, if for a soliciting bail agent or bail enforcement agent, shall show the name of the professional bail agent and any other information as the commissioner deems proper.

(6) The commissioner, after a hearing under Section 83-39-17, may refuse to issue a privilege license for a soliciting bail agent to change from one (1) professional bail agent to another if he owes any premium or debt to the professional bail agent with whom he is currently licensed. The commissioner, after a hearing under Section 83-39-17, shall refuse to issue a license for a limited surety agent if he owes any premium or debt to an insurer to which he has been appointed. If a license has been granted to a limited surety agent or a soliciting bail agent who owed any premium or debt to an insurer or professional bail agent, the commissioner, after a hearing under Section 83-39-17, shall revoke the license.

(7) (a) Before the issuance of any initial professional bail agent, soliciting bail agent or bail enforcement agent license, the applicant shall submit proof of successful completion of forty (40) classroom hours of prelicensing education approved by the Professional Bail Agents Association of Mississippi, Inc., and conducted by persons or entities approved by the Professional Bail Agents Association of Mississippi, Inc. All applicants for a soliciting bail agent or bail enforcement agent license applying for such license after July 1, 2013, shall successfully complete a limited examination by the department for the restricted lines of business. The hours required by this subsection shall be classroom hours and may not be acquired through correspondence or over the Internet. Any applicant who has been properly licensed under this

chapter within ninety (90) days of submitting an application for a different license type shall not be subject to the prelicensing education requirement.

(b) Beginning on July 1, 2011, in order to assist the department in determining an applicant's suitability for a license under this chapter, the applicant shall submit a set of fingerprints with the submission of an application for license. The department shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the commissioner and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the "Insurance Department Fund."

(8) (a) Before the renewal of the license of any professional bail agent, soliciting bail agent or bail enforcement agent, the applicant shall submit proof of successful completion of continuing education hours as follows:

(i) There shall be no continuing education required for the first year of an original license;

(ii) Except as provided in subparagraph (i), eight (8) classroom hours of continuing education for each year or part of a year of the two-year license period, for a total of sixteen (16) hours per license period.

(b) If an applicant for renewal failed to obtain the required eight (8) hours for each year of the license period during the actual license year in which the education was required to be obtained, the applicant shall not be eligible for a renewal license but shall be required to obtain an original license and be subject to the education requirements set forth in subsection (7). The commissioner shall not be required to comply with Section 83-39-17 in denying an application for a renewal license under this paragraph (b).

(c) The education hours required under this subsection (8) shall consist of classroom hours approved by the Professional Bail Agents Association of Mississippi, Inc., and provided by persons or entities approved by the Professional Bail Agents Association of Mississippi, Inc. The hours required by this



subsection shall be classroom hours and may not be acquired through correspondence or over the Internet.

(d) The continuing education requirements under this subsection (8) shall not be required for renewal of a professional bail agent license for any applicant who is sixty-five (65) years of age and who has been licensed as a professional bail agent for a continuous period of twenty (20) years immediately preceding the submission of the application as evidenced by submission of an affidavit, under oath, on a form prescribed by the department, signed by the licensee attesting to satisfaction of the age, licensing, and experience requirements of this paragraph (d).

(9) No license as a professional bail agent shall be issued unless the applicant has been duly licensed by the department as a soliciting bail agent for a period of three (3) consecutive years immediately preceding the submission of the application. However, this subsection (9) shall not apply to any person who was licensed as a professional bail agent before July 1, 2011.

(10) A nonresident person may be licensed as a professional bail agent, bail soliciting agent or bail enforcement agent if:

(a) The person's home state awards licenses to residents of this state on the same basis; and

(b) The person has satisfied all requirements set forth in this chapter.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 772**

**Description:** Weights and measures; prescribe administrative penalties and due process for violations of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 446

**History of Actions:**

1	01/21	(H) Referred To Agriculture
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/15	(S) Referred To Agriculture; Judiciary, Division A
6	02/25	(S) DR - TSDPAA: AG To JA
7	02/28	(S) Title Suff Do Pass As Amended
8	03/08	(S) Amended
9	03/08	(S) Passed As Amended {Vote}
10	03/11	(S) Returned For Concurrence
11	03/13	(H) Concurred in Amend From Senate {Vote}
12	03/18	(H) Enrolled Bill Signed
13	03/19	(S) Enrolled Bill Signed
14	03/25	Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 772

**Code Section:** A 075-0027-0059

**----- Additional Information -----**

**House Committee:** Agriculture

**Senate Committee:** Agriculture, Judiciary, Division A

**Principal Author:** Sullivan

***Title:*** AN ACT TO AMEND SECTION 75-27-59, MISSISSIPPI CODE OF 1972, TO ESTABLISH CIVIL PENALTIES AND ADMINISTRATIVE HEARING FOR WEIGHT AND MEASURES VIOLATIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 772

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Agriculture

By: Representative Sullivan

**House Bill 772**

(As Sent to Governor)

AN ACT TO AMEND SECTION 75-27-59, MISSISSIPPI CODE OF 1972, TO ESTABLISH CIVIL PENALTIES AND ADMINISTRATIVE HEARING FOR WEIGHT AND MEASURES VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 75-27-59, Mississippi Code of 1972, is amended as follows:

75-27-59. (1) Any person who\* \* \* by himself\* \* \*, by his\* \* \* agent, or as the\* \* \* agent of another person,\* \* \* commits any one (1) of the acts enumerated in\* \* \* paragraphs (a) through (\* \* \* k) of this\* \* \* subsection is guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment; and upon a second or subsequent conviction\* \* \*, he shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. It is unlawful for a person to:

(\* \* \* a) Use or have in possession for the purpose of using for any commercial purpose specified in Section 75-27-23, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure of any device or instrument used to or calculated to falsify any weight or measure.

(\* \* \* b) Use or have in possession for the purpose of current use for any commercial purpose specified in Section 75-27-23, a weight or measure that does not bear a seal or mark such as is specified in Section 75-27-31, unless such weight or measure has been exempted from testing by the provisions of Section 75-27-23, or by a regulation of the director issued under the authority of Section 75-27-19.

2013 GENERAL LAWS OF MISSISSIPPI HB 772

(\* \* \* c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(\* \* \* d) Remove from\* \* \* any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

(\* \* \* e) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

(\* \* \* f) Take more than the quantity he represents of any commodity, thing, or service, when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

(\* \* \* h) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law or regulation.

(\* \* \* i) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(\* \* \* j)\* \* \* Buy or sell pulpwood by any means other than those prescribed in Section 75-27-39.

(\* \* \* k) Violate any provision of this article or of the regulations promulgated under the provisions of this article for which a specific penalty has not been prescribed.

(2) Any person who by himself, by his agent, or as the agent of another person, commits any of the acts enumerated in subsection (1) of this section may be assessed by the director, or his designee, an administrative penalty of:

(a) Not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for a first violation;

(b) Not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for a second violation committed within twelve (12) months of the first violation; and

(c) Not less than One Thousand Dollars (\$1,000.00) nor more than Three Thousand Dollars (\$3,000.00) for a third violation committed within eighteen (18) months from the date of the first violation.

(3) Any person, subject to an administrative penalty, shall have a right to request an administrative hearing within thirty (30) days of receipt of the notice of the penalty. The director, or his designee, is authorized to conduct the hearing after giving appropriate notice to the respondent. The decision of the director, or his designee, shall be subject to appropriate judicial review.

(4) (a) If the respondent has exhausted his administrative appeals and the civil penalty has been upheld, he shall pay the civil penalty within thirty (30) days of the effective date of the final decision. If the respondent fails to pay the penalty, a civil action may be brought by the director in any court of competent jurisdiction.

(b) Any civil penalty collected under this act shall be transmitted to the General Fund.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 836**

**Description:** Tunica County; authorize contribution to the Aaron E. Henry Community Health Clinic, Inc.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Two/Thirds

*Effective date:* Passage

*Chapter Number:* 906

**History of Actions:**

- 1 01/21 (H) Referred To Local and Private Legislation
- 2 02/18 (H) Title Suff Do Pass
- 3 02/26 (H) Passed {Vote}
- 4 02/27 (H) Transmitted To Senate
- 5 03/04 (S) Referred To Local and Private
- 6 03/07 (S) Title Suff Do Pass
- 7 03/14 (S) Passed {Vote}
- 8 03/15 (S) Transmitted To House
- 9 03/18 (H) Enrolled Bill Signed
- 10 03/19 (S) Enrolled Bill Signed
- 11 03/25 Approved by Governor

**----- Additional Information -----**

**House Committee:** Local and Private Legislation

**Senate Committee:** Local and Private

**Principal Author:** Burnett

**Additional Authors:** Alday

**Title:** AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY, MISSISSIPPI, TO CONTRIBUTE FUNDS TO THE AARON E. HENRY COMMUNITY HEALTH CLINIC, INCORPORATED, FOR THE PURPOSE OF IMPROVING THE MEDICAL CARE FOR THE RESIDENTS OF TUNICA COUNTY; AND FOR RELATED PURPOSES.

**2013 GENERAL LAWS OF MISSISSIPPI HB 836**

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private Legislation

By: Representatives Burnett, Alday

**House Bill 836**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY, MISSISSIPPI, TO CONTRIBUTE FUNDS TO THE AARON E. HENRY COMMUNITY HEALTH CLINIC, INCORPORATED, FOR THE PURPOSE OF IMPROVING THE MEDICAL CARE FOR THE RESIDENTS OF TUNICA COUNTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Board of Supervisors of Tunica County, Mississippi, in its discretion, may contribute during each calendar year 2013 and calendar year 2014, from any available county funds, an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00) to the Aaron E. Henry Community Health Clinic, Incorporated, solely for the purpose of improving and enhancing medical care in and for the residents of Tunica County, Mississippi.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 879**

**Description:** Students of military personnel residing on base; allow parent or legal guardian to choose school or school district of enrollment.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 473

**History of Actions:**

- |    |       |     |                                       |
|----|-------|-----|---------------------------------------|
| 1  | 01/21 | (H) | Referred To Education                 |
| 2  | 01/31 | (H) | Title Suff Do Pass                    |
| 3  | 02/13 | (H) | Passed {Vote}                         |
| 4  | 02/14 | (H) | Transmitted To Senate                 |
| 5  | 02/15 | (S) | Referred To Education                 |
| 6  | 03/05 | (S) | Title Suff Do Pass As Amended         |
| 7  | 03/12 | (S) | Amended                               |
| 8  | 03/12 | (S) | Passed As Amended {Vote}              |
| 9  | 03/13 | (S) | Returned For Concurrence              |
| 10 | 03/18 | (H) | Concurred in Amend From Senate {Vote} |
| 11 | 03/20 | (H) | Enrolled Bill Signed                  |
| 12 | 03/20 | (S) | Enrolled Bill Signed                  |
| 13 | 03/27 |     | Approved by Governor                  |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 879

**Code Section:** A 037-0015-0029

**----- Additional Information -----**

**House Committee:** Education

**Senate Committee:** Education

**Principal Author:** Bennett

**Additional Authors:** Ladner, Rushing, Crawford, DeBar

**Title:** AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972, TO ALLOW PARENTS OR LEGAL GUARDIANS WHO ARE ACTIVE MEMBERS OF THE UNITED STATES ARMED FORCES OR CIVILIAN MILITARY PERSONNEL AND WHO RESIDE ON A MILITARY BASE TO ENROLL THEIR CHILDREN IN ANY SCHOOL DISTRICT OF THE PARENT'S OR LEGAL GUARDIAN'S CHOOSING, SUBJECT TO CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 879

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Representatives Bennett, Ladner, Rushing, Crawford,  
DeBar

**House Bill 879**

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972, TO ALLOW PARENTS OR LEGAL GUARDIANS WHO ARE ACTIVE MEMBERS OF THE UNITED STATES ARMED FORCES OR CIVILIAN MILITARY PERSONNEL AND WHO RESIDE ON A MILITARY BASE TO ENROLL THEIR CHILDREN IN ANY SCHOOL DISTRICT OF THE PARENT'S OR LEGAL GUARDIAN'S CHOOSING, SUBJECT TO CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-15-29, Mississippi Code of 1972, is amended as follows:

37-15-29. (1) Except as provided in subsections (2), (3)\* \* \*, (4) and (5) of this section, no minor child may enroll in or attend any school except in the school district of his residence, unless such child be lawfully transferred from the school district of his residence to a school in another school district in accord with the statutes of this state now in effect or which may be hereafter enacted.

(2) Those children whose parent(s) or legal guardian(s) are instructional personnel or certificated employees of a school district may at such employee's discretion enroll and attend the school or schools of their parent's or legal guardian's employment regardless of the residence of the child.

(3) No child shall be required to be transported in excess of thirty (30) miles on a school bus from his or her home to school, or in excess of thirty (30) miles from school to his or her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the nearer school, regardless of the residence of the child. In the event the parent or legal guardian of such child and the school



board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final. The school districts involved in the appeal shall provide the Mississippi Department of Education with any school bus route information requested, including riding the buses as necessary, in order to measure the bus routes in question, as needed by the State Board of Education in considering the appeal.

(4) Those children lawfully transferred from the school district of his residence to a school in another school district prior to July 1, 1992, may, at the discretion of their parent(s) or legal guardian(s), continue to enroll and attend school in the transferee school district. Provided further, that the brother(s) and sister(s) of said children lawfully transferred prior to July 1, 1992, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in the transferee school district.

(5) Those children whose parent(s) or legal guardian(s) are active members of the United States Armed Forces or civilian military personnel and reside on a military base, may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the school district of their parent's or legal guardian's choosing, regardless of the residence of the child, provided the school district where the student resides or in an adjacent school district and the parent's or guardian's choice of school district does not violate the provision of subsection (3) of this section prohibiting the transportation of students in excess of thirty (30) miles.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 892**

**Description:** Sales and income tax; authorize extensions of examination period by agreement between the Commissioner of Revenue and the taxpayer.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* January 1, 2013

*Chapter Number:* 470

**History of Actions:**

- 1 01/21 (H) Referred To Ways and Means
- 2 01/31 (H) Title Suff Do Pass
- 3 02/06 (H) Passed {Vote}
- 4 02/07 (H) Motion to Reconsider Entered (Frierson,  
Smith (39th), Rogers (61st))
- 5 02/12 (H) Reconsidered
- 6 02/12 (H) Amended
- 7 02/12 (H) Passed As Amended {Vote}
- 8 02/14 (H) Transmitted To Senate
- 9 02/15 (S) Referred To Finance
- 10 03/05 (S) Title Suff Do Pass As Amended
- 11 03/07 (S) Amended
- 12 03/07 (S) Passed As Amended {Vote}
- 13 03/08 (S) Motion to Reconsider Entered
- 14 03/14 (S) Reconsidered
- 15 03/14 (S) Amended
- 16 03/14 (S) Passed As Amended {Vote}
- 17 03/18 (S) Returned For Concurrence
- 18 03/19 (H) Concurred in Amend From Senate {Vote}
- 19 03/21 (S) Enrolled Bill Signed
- 20 03/21 (H) Enrolled Bill Signed
- 21 03/27 Approved by Governor

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

2013 GENERAL LAWS OF MISSISSIPPI · HB 892

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 Lost Voice Vote

[S] Amendment No 2 to Committee Amendment No 1 Lost Voice Vote

[S] Amendment No 3 to Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 4 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 892

**Code Section:** A 027-0007-0049, A 027-0013-0049, A 027-0065-0042, A 027-0007-0313, A 027-0073-0005, A 027-0065-0037

----- **Additional Information** -----

**House Committee:** Ways and Means

**Senate Committee:** Finance

**Principal Author:** Smith (39th)

**Additional Authors:** Scott

**Title:** AN ACT TO AMEND SECTIONS 27-7-49, 27-13-49 AND 27-65-42, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EXAMINATION OF A TAXPAYER'S INCOME, FRANCHISE AND SALES TAX RETURNS SHALL BE MADE WITHIN THREE YEARS OF THE DUE DATE OR THE DATE THE RETURN WAS FILED, WHICHEVER IS LATER, UNLESS THE TAXPAYER IS PROPERLY NOTIFIED OF THE EXAMINATION WITHIN THE THREE-YEAR EXAMINATION PERIOD IN WHICH CASE THE EXAMINATION MUST BE COMPLETED WITHIN ONE YEAR AFTER THE EXPIRATION OF THE THREE-YEAR EXAMINATION PERIOD; TO PROVIDE THAT THE THREE-YEAR AND ONE-YEAR LIMITATIONS SHALL NOT APPLY IN CERTAIN CASES; TO AMEND SECTIONS 27-7-313 AND 27-73-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-65-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF IN AN AUDIT OF THE SALES TAX RECORDS OF A TAXPAYER BY THE DEPARTMENT OF REVENUE IT IS DETERMINED THAT DURING THE PERIOD BEING AUDITED THE TAXPAYER REPORTED AND PAID TAX IN ACCORDANCE WITH A METHOD USED DURING A PRIOR PERIOD WHICH HAD BEEN AUDITED BY THE DEPARTMENT AND NOT FOUND TO RESULT IN ANY ADDITIONAL SALES TAX DUE, THE DEPARTMENT SHALL BE ESTOPPED FROM COLLECTING ANY ADDITIONAL TAXES AS A RESULT OF THE USE OF THE PREVIOUSLY AUDITED METHOD UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 892

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representatives Smith (39th), Scott

**House Bill 892**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 27-7-49, 27-13-49 AND 27-65-42, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EXAMINATION OF A TAXPAYER'S INCOME, FRANCHISE AND SALES TAX RETURNS SHALL BE MADE WITHIN THREE YEARS OF THE DUE DATE OR THE DATE THE RETURN WAS FILED, WHICHEVER IS LATER, UNLESS THE TAXPAYER IS PROPERLY NOTIFIED OF THE EXAMINATION WITHIN THE THREE-YEAR EXAMINATION PERIOD IN WHICH CASE THE EXAMINATION MUST BE COMPLETED WITHIN ONE YEAR AFTER THE EXPIRATION OF THE THREE-YEAR EXAMINATION PERIOD; TO PROVIDE THAT THE THREE-YEAR AND ONE-YEAR LIMITATIONS SHALL NOT APPLY IN CERTAIN CASES; TO AMEND SECTIONS 27-7-313 AND 27-73-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-65-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF IN AN AUDIT OF THE SALES TAX RECORDS OF A TAXPAYER BY THE DEPARTMENT OF REVENUE IT IS DETERMINED THAT DURING THE PERIOD BEING AUDITED THE TAXPAYER REPORTED AND PAID TAX IN ACCORDANCE WITH A METHOD USED DURING A PRIOR PERIOD WHICH HAD BEEN AUDITED BY THE DEPARTMENT AND NOT FOUND TO RESULT IN ANY ADDITIONAL SALES TAX DUE, THE DEPARTMENT SHALL BE ESTOPPED FROM COLLECTING ANY ADDITIONAL TAXES AS A RESULT OF THE USE OF THE PREVIOUSLY AUDITED METHOD UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-7-49, Mississippi Code of 1972, is amended as follows:

27-7-49. (1) Returns shall be examined by the commissioner or his duly authorized agents within three (3) years from the due date or the date the return was filed, whichever is later, and no determination of a tax overpayment or deficiency shall be made by the commissioner\* \* \* after the expiration of\* \* \* the three-year period, except as\* \* \* provided in this section and as provided in Section 27-7-307.

(2) When an examination of a return made under this article has been commenced, and the taxpayer notified\* \* \* of the examination, either by certified mail or personal



delivery by an agent of the commissioner, within the three-year examination period provided in subsection (1) of this section, the determination of the correct tax liability may be made by the commissioner after the expiration of\* \* \* the three-year examination period, provided that\* \* \* the determination shall be made\* \* \* within one (1) year after the expiration of the three-year examination period; however, this limitation and the limitation contained in subsection (1) of this subsection shall not apply:

(a) To any tax period for which the taxpayer failed to file a return, in which case the tax, including any applicable penalties and interest, may be assessed by the commissioner at any time and the tax, penalties and/or interest so assessed may be collected by the commissioner as otherwise provided by law.

(b) In the case of a false or fraudulent return with the intent to evade tax. In such a case the commissioner is authorized to compute, determine and assess at any time the estimated amount of tax due on the return, including any applicable penalties and interest, from any information in his or her possession, and after the tax, penalties and/or interest are assessed, to collect them as otherwise provided by law.

(c) In the case of an agreement in writing entered into by the commissioner and the taxpayer, made prior to the expiration of the applicable time periods provided for in subsections (1) and (2) of this section, consenting to the examination of a return. In such a case the determination of a tax overpayment or deficiency and/or the issuance of an assessment may be made within the agreed upon period. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon period.

(d) In a case in which a taxpayer requests an extension of time for filing any return required by this article, and the request is granted. In such a case the limitation of time for examining the return and determining any tax overpayment or assessing any tax deficiency from the return shall be extended for a like period.

(3) Taxpayers shall keep and maintain an accurate and complete set of records and other information sufficient to allow the department to determine the correct amount of tax



due. The records and other information shall be open and available for inspection by the department upon request at a reasonable time and location. Refusal or delay by the taxpayer to provide documentation for examination upon the department's request shall result in an assessment being made from any information available, which shall be prima facie correct.

(\* \* \* 4) Where the reported taxable income of a taxpayer has been increased or decreased by the Internal Revenue Service, the three-year examination period provided in subsection (1) of this section shall not be applicable, insofar as the Mississippi income tax liability is affected by the specific changes made by said Internal Revenue Service. However, no additional assessment or no refund shall be made under the provisions of this article after three (3) years from the date the Internal Revenue Service disposes of the tax liability in question.

\* \* \*

(\* \* \* 5) Where the reportable taxable income of a taxpayer has been decreased by the carryback of a net casualty loss deduction under Section 27-7-20 or the carryback of a net operating loss deduction under Section 27-7-17, the three-year examination period provided under subsection (1) of this section shall not be applicable insofar as the Mississippi income tax liability is affected by the carryback of the net casualty loss deduction or the carryback of the net operating loss deduction.

**SECTION 2.** Section 27-13-49, Mississippi Code of 1972, is amended as follows:

27-13-49. (1) Returns shall be examined by the commissioner or his duly authorized agents within three (3) years from the due date or the date the return was filed, whichever is later, and no determination of a tax overpayment or deficiency shall be made by the commissioner\* \* \* after the expiration of\* \* \* the three-year period except as\* \* \* provided in this section.

(2) When an examination of a return made under this chapter has been commenced, and the taxpayer notified\* \* \* of the examination by certified mail, or personal delivery by an agent of the commissioner within the three-year examination period provided in subsection (1) of this section, the determination of the correct tax liability may be made by the commissioner

after the expiration of\* \* \* the three-year examination period, provided that\* \* \* the determination shall be made\* \* \* within one (1) year after the expiration of the three-year examination period provided for in subsection (1) of this section; however, this limitation and the limitation provided for in subsection (1) of this section shall not apply:

(a) To any tax period for which the taxpayer failed to file a return, in which case the tax, including any applicable penalties and interest, may be assessed by the commissioner at any time and the tax, penalties and/or interest so assessed may be collected by the commissioner as otherwise provided by law.

(b) In the case of a false or fraudulent return with the intent to evade tax. In such a case the commissioner is authorized to compute, determine, and assess at any time the estimated amount of tax due on the return, including any applicable penalties and interest, from any information in his or her possession, and after the tax, penalties and/or interest are assessed, to collect them as otherwise provided by law.

(c) In the case of an agreement in writing entered into by the commissioner and the taxpayer, made prior to the expiration of the applicable time periods provided for in subsections (1) and (2) of this section, consenting to the examination of a return. In such a case the determination of a tax overpayment or deficiency and/or the issuance of an assessment may be made within the agreed upon period. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon period.

(d) In a case in which a taxpayer requests an extension of time for filing any return required by this chapter, and the request is granted. In such a case the limitation of time for examining the return and determining any tax overpayment or assessing any tax deficiency from the return shall be extended for a like period.

(3) Taxpayers shall keep and maintain an accurate and complete set of records and other information sufficient to allow the department to determine the correct amount of tax due. The records and other information shall be open and available for inspection by the department upon request at a reasonable time and location. Refusal or delay by the

taxpayer to provide documentation for examination upon the department's request shall result in an assessment being made from any information available, which shall be prima facie correct.

(\* \* \* 4) Where the federal income tax return of a taxpayer has been changed by the Internal Revenue Service, the three-year examination period provided in subsection (1) of this section shall not be applicable, insofar as the Mississippi franchise tax liability is affected by the specific changes made by said Internal Revenue Service. However, no additional assessment or no refund shall be made under the provisions of this chapter after three (3) years from the date the Internal Revenue Service disposes of the tax liability in question.

\* \* \*

(5) A taxpayer may apply to the commissioner for revision of any return filed under this chapter at any time within three (3) years from the due date, or the date the return was filed, whichever is later.

**SECTION 3.** Section 27-65-42, Mississippi Code of 1972, is amended as follows:

27-65-42. (1) The amount of taxes due on any return which has been filed as required by this chapter shall be determined and assessed within thirty-six (36) months from the date\* \* \* the return was filed\* \* \* except as otherwise provided in this section and Section 27-65-55.

\* \* \*

(2) When an examination of a taxpayer's records to verify returns made under this chapter has been initiated and the taxpayer notified of the examination, either by certified mail or personal delivery by an agent of the commissioner, within the thirty-six-month examination period provided for in subsection (1) of this section, the determination of the correct tax liability shall be made by the commissioner within one (1) year after the expiration of the thirty-six-month examination period; however, this limitation shall not apply:

(a) To any tax period for which the taxpayer failed to file a return, in which case the tax, including any applicable penalties and interest, may be assessed by the commissioner at any time and the tax, penalties and/or interest so assessed



may be collected by the commissioner as otherwise provided by law.

(b) In the case of a false or fraudulent return with the intent to evade tax. In such a case the commissioner is authorized to compute, determine, and assess at any time the estimated amount of tax due on the return, including any applicable penalties and interest, from any information in his or her possession, and after the tax, penalties and/or interest are assessed, to collect them as otherwise provided by law.

(c) In the case of an agreement in writing entered into by the commissioner and the taxpayer, made prior to the expiration of the applicable time periods provided for in subsections (1) and (2) of this section, consenting to the examination of a return. In such a case the determination of a tax overpayment or deficiency and/or the issuance of an assessment may be made within the agreed upon period. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon period.

(d) In a case in which a taxpayer requests an extension of time for filing any return required by this chapter, and the request is granted. In such a case the limitation of time for examining the return and determining any tax overpayment or assessing any tax deficiency from the return shall be extended for a like period.

(3) Taxpayers shall keep and maintain an accurate and complete set of records and other information sufficient to allow the department to determine the correct amount of tax due. The records and other information shall be open and available for inspection by the department upon request at a reasonable time and location. Refusal or delay by the taxpayer to provide documentation for examination upon the department's request shall result in an assessment being made from any information available, which shall be prima facie correct.

**SECTION 4.** Section 27-7-313, Mississippi Code of 1972, is amended as follows:

27-7-313. In the case of any overpayment of any tax, interest or penalty levied or provided for in Article 1 of this chapter, or in this article, whether by reason of

excessive withholding, error on the part of the taxpayer, erroneous assessment of tax, or otherwise, the excess shall be refunded to the taxpayer.

When, upon examination of any return made under this article, or under the provisions of Article 1 of this chapter, it appears that an amount of income tax has been paid in excess of the amount properly due, then the amount of the excess shall be credited against any income tax then due from the taxpayer under any other return required by this article, or Article 1 of this chapter. Refunds or credits may be withheld or applied against any other tax determined finally to be due if the taxpayer has failed to pay any tax finally due as required by the provisions of the laws administered by the\* \* \* department. Any excess after such application shall be certified to the State Auditor of Public Accounts by the commissioner. The\* \* \* Auditor is hereby authorized to make\* \* \* any investigation and audit of the claim as he finds necessary. If he finds that the commissioner is correct in his determination, the Auditor may issue his warrant to the State Treasurer in favor of the taxpayer for the amount of tax erroneously paid into the State Treasury. No refund shall be granted under this article or under the provisions of Article 1 of this chapter unless a claim for\* \* \* the refund is made within three (3) years from the date the return is due, or within three (3) years from the final day of an extension period previously granted by the commissioner pursuant to the provisions of Section 27-7-50; however, the restrictions imposed by this section do not apply to those refund requests or claims made in compliance with\* \* \* Section 27-7-49.

The State Treasurer shall withhold from all income taxes collected each month an amount necessary to make refunds expected to be approved by the State Auditor during the following month. This amount shall be placed in a special fund, separate and apart from the General Fund of the state, and used for the purpose of making refunds under the income tax laws of the state. All refunds made under this article shall be made as quickly as possible upon receipt of the proper proof, as required by the State Auditor.

In order to obtain a refund,\* \* \* an employee shall attach to his return a copy of the withholding statement required to be furnished him by his employer as provided in Section 27-7-311. The making of any refund shall not be conclusive



of the tax due by any individual, but shall be made subject to the future audit of his return and the determination of his liability. Bond requirements of Section 7-7-57 shall not apply to warrants for refund of income tax.

\* \* \*

**SECTION 5.** Section 27-73-5, Mississippi Code of 1972, is amended as follows:

27-73-5. Except as otherwise provided in Sections 27-7-49, 27-13-49 and 27-65-42, all suits by any taxpayer for the recovery of any privilege, income, franchise, or other excise tax, and all applications or proceedings for any refund or credit of\* \* \* these taxes shall be filed or made within three (3) years next after the return was filed, or from the date the assessment of the tax was made, or from the date the tax was paid, as the case may be, whichever is the earlier, and no recovery of taxes under any such suit shall be had and no refund of taxes shall be made unless\* \* \* the suit or application was filed within\* \* \* the period of limitation.

\* \* \* However, as to income taxes the three-year statute of limitations shall be extended to six (6) years in cases where the reported net income of a taxpayer has been reduced by the\* \* \* Internal Revenue Service for any taxable period.

**SECTION 6.**Section 27-65-37, Mississippi Code of 1972, is amended as follows:

27-65-37. (1) If adequate records of the gross income or gross proceeds of sales are not maintained or invoices preserved as provided herein, or if an audit of the records of a taxpayer, or any return filed by him, or any other information discloses that taxes are due and unpaid, the commissioner shall make assessments of taxes, damages, and interest from any information available, which shall be prima facie correct. However, if in an audit of the records of a taxpayer it is determined that during the period being audited the taxpayer reported and paid tax in accordance with a method used during a prior period which had been audited by the commissioner and not found to result in any additional tax due, the commissioner shall be estopped from collecting any additional tax as a result of the use of this previously audited method for any period prior to notification the commissioner or his agent during the current audit that use of the previously audited method would result in additional

tax being due if it is determined, through all information available regarding this taxpayer, that:

(a) The method in issue was previously audited by the commissioner with no additional tax determined to be due under such method;

(b) The method under consideration in the current audit is the same method that was used in the prior audit;

(c) There has not been a statutory or regulatory change that would have resulted in additional tax being due under this method after the statutory or regulatory change; and

(d) The taxpayer detrimentally relied on the fact that this method had been previously audited and not found to result in additional tax.

(2) The commissioner shall give notice to the taxpayer of\*  
\* \* the assessments and demand payment of the tax, damages and interest within sixty (60) days from the date of the notice. The notice shall be sent by regular mail or delivered by an agent of the commissioner either to the taxpayer or someone of suitable age and discretion at the taxpayer's residence or place of business.

(3) If the taxpayer shall fail or refuse to comply with the notice of assessment or shall fail to petition for a hearing, the commissioner shall proceed as provided in Section 27-65-39.

**SECTION 7.** Nothing in this act shall affect or defeat any refund claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the laws of this state for any tax period and/or tax year beginning before the date on which this act becomes effective, whether such refund claims, assessments, appeals, suits or actions have been begun or filed before the date on which this act becomes effective or are begun or filed thereafter; and the provisions of the tax laws of this state in effect prior to the effective date of this act are expressly continued in full force, effect and operation for the purpose of any refund claim, assessment, appeal, suit, right or cause of action for taxes paid, due or accrued under the laws of this state for any tax period and/or tax year beginning before the date on which this act goes into effect, for the collection and enrollment of liens for any taxes due or accrued for any tax period and/or tax year beginning before the date on which this act goes into effect

and for the execution of any warrant under such laws for a tax period and/or tax year beginning before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws in regard to any tax period and/or tax year beginning prior to the date on which this act becomes effective.

**SECTION 8.** This act shall take effect and be in force from and after January 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 922**

**Description:** "High economic benefit project"; extend repealer on exemption of certain highway projects from definition of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 455

**History of Actions:**

- |         |       |     |  |
|---------|-------|-----|--|
| 1       | 01/21 | (H) | Referred To Ways and Means               |
| 2       | 01/30 | (H) | Title Suff Do Pass                       |
| 3       | 02/06 | (H) | Passed {Vote}                            |
| 4       | 02/07 | (H) | Transmitted To Senate                    |
| 5       | 02/19 | (S) | Referred To Highways and Transportation; |
| Finance |       |     |  |
| 6       | 02/28 | (S) | DR - TSDP: HI To FI                      |
| 7       | 03/05 | (S) | DR - TSDPAA: FI To HI                    |
| 8       | 03/05 | (S) | Title Suff Do Pass As Amended            |
| 9       | 03/12 | (S) | Amended                                  |
| 10      | 03/12 | (S) | Passed As Amended {Vote}                 |
| 11      | 03/13 | (S) | Returned For Concurrence                 |
| 12      | 03/14 | (H) | Concurred in Amend From Senate {Vote}    |
| 13      | 03/18 | (H) | Enrolled Bill Signed                     |
| 14      | 03/19 | (S) | Enrolled Bill Signed                     |
| 15      | 03/25 |     | Approved by Governor                     |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 922

**Code Section:** A 065-0004-0005

----- Additional Information -----

*House Committee:* Ways and Means

*Senate Committee:* Highways and Transportation, Finance

*Principal Author:* Formby

**Title:** AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO REMOVE THE DATE OF REPEAL ON A CERTAIN PROJECT IN THE DEFINITION OF "HIGH ECONOMIC BENEFIT PROJECT" IN THE ECONOMIC DEVELOPMENT HIGHWAY ACT; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 922

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Formby

**House Bill 922**

(As Sent to Governor)

AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO REMOVE THE DATE OF REPEAL ON A CERTAIN PROJECT IN THE DEFINITION OF "HIGH ECONOMIC BENEFIT PROJECT" IN THE ECONOMIC DEVELOPMENT HIGHWAY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 65-4-5, Mississippi Code of 1972, is amended as follows:

65-4-5. (1) The following words when used in this chapter shall have the meanings herein ascribed unless the context otherwise clearly requires:

(a) "Board" means the Mississippi Development Authority;

(b) "Department" means the Mississippi Department of Transportation;

(c) "High economic benefit project" means:

(i) Any new investment by a private company with capital investments in land, buildings, depreciable fixed assets and improvements of at least Seventy Million Dollars (\$70,000,000.00);

(ii) Any new investment of at least Twenty Million Dollars (\$20,000,000.00) by a private company having capital investments in this state in land, buildings, depreciable fixed assets and improvements of at least One Billion Dollars (\$1,000,000,000.00) in the aggregate;

(iii) Public investment of at least One Hundred Million Dollars (\$100,000,000.00) to take place over a specified period of time and in accordance with a master plan duly adopted by the controlling political subdivision;

(iv) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) private companies upon land that is adjacent whenever the new investments of both companies are at least Sixty Million Dollars (\$60,000,000.00)

## 2013 GENERAL LAWS OF MISSISSIPPI HB 922

in the aggregate, and such new investments by both private companies provide for the employment of at least five hundred (500) employees in the aggregate;

(v) Any project which would benefit from the construction of any highway bypass which would aid in economic development and would provide an alternate route to avoid an existing route which underpasses a railroad and which would aid in existing or proposed industry;

(vi) Any master planned community;

(vii) Any new investments in land, buildings, depreciable fixed assets and improvements by not more than three (3) private companies physically located within a one-half-mile radius of each other whenever the new investments of such companies are at least Sixty Million Dollars (\$60,000,000.00) in the aggregate, and such new investments by such companies provide for the employment of at least three hundred (300) new employees in the aggregate;

(viii) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) or more private companies upon lands originally adjacent, but now divided by a four-lane state highway and bordered by a two-lane state highway, and the new investments of the companies are at least Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a portion of such new investment will be utilized for the construction of a hospital;

(ix) [Repealed]

(x) Any project as defined in Section 57-75-5(f)(xxi); however, the term "high economic benefit project" does not include the construction of Mississippi Highway 348\* \* \*i\* \* \*

(xi) Any project as defined in Section 17-25-17;

(xii) Any project which would allow access to a national intermodal facility with a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00) that is located within five (5) miles of the State of Mississippi and has direct access into an industrial park within the state.

However, if the initial investments that a private company made in order to meet the definition of a high economic benefit project under this paragraph (c)(i) and in order to be approved for such project exceeded Fifty Million Dollars (\$50,000,000.00), or if subsequent to being approved for

the initial project the same company and/or one or more other private companies made additional capital investments exceeding Fifty Million Dollars (\$50,000,000.00) in aggregate value in land, buildings, depreciable fixed assets and improvements physically attached to or forming a part of the initially planned site development, then an amount equal to fifty percent (50%) of all such investments that exceeds Fifty Million Dollars (\$50,000,000.00) shall be subtracted from the Sixty Million Dollars (\$60,000,000.00) in aggregate value of new investments required under this paragraph (c) (vii);

(d) "Political subdivision" means one or more counties or incorporated municipalities in the state, or a state-owned port located in a county bordering on the Gulf of Mexico;

(e) "Private company" means:

(i) Any agricultural, aquacultural, maricultural, processing, distribution, warehousing, manufacturing, transportation, tourism or research and development enterprise;

(ii) Any air transportation and maintenance facility, regional shopping mall, hospital, large hotel, resort or movie industry studio;

(iii) The federal government with respect to any specific project which meets the criteria established in paragraph (c) (i) of this subsection;

(iv) Any existing or proposed industry in regard to a project described in paragraph (c) (v) of this subsection;

(v) A developer with respect to any specific project which meets the criteria established in paragraph (c) (vi) of this subsection; or

(vi) A tourism project approved by the board;

(f) "Master planned community" shall have the same meaning as that term is defined in Section 19-5-10.

(2) The Mississippi Department of Transportation is hereby authorized to purchase rights-of-way and construct and maintain roads and highways authorized to be constructed pursuant to this chapter.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 928**

**Description:** Real estate; allow scrivener's affidavits to correct errors in real estate instruments.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 461

**History of Actions:**

- |    |       |     |                                       |
|----|-------|-----|---------------------------------------|
| 1  | 01/21 | (H) | Referred To Judiciary B               |
| 2  | 01/31 | (H) | Title Suff Do Pass                    |
| 3  | 02/13 | (H) | Amended                               |
| 4  | 02/13 | (H) | Passed As Amended {Vote}              |
| 5  | 02/18 | (H) | Transmitted To Senate                 |
| 6  | 02/19 | (S) | Referred To Judiciary, Division A     |
| 7  | 03/05 | (S) | Title Suff Do Pass As Amended         |
| 8  | 03/07 | (S) | Amended                               |
| 9  | 03/07 | (S) | Passed As Amended {Vote}              |
| 10 | 03/08 | (S) | Returned For Concurrence              |
| 11 | 03/14 | (H) | Concurred in Amend From Senate {Vote} |
| 12 | 03/18 | (H) | Enrolled Bill Signed                  |
| 13 | 03/19 | (S) | Enrolled Bill Signed                  |
| 14 | 03/25 |     | Approved by Governor                  |

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 928

**Code Section:** A 089-0005-0008

**----- Additional Information -----**

**House Committee:** Judiciary B

**Senate Committee:** Judiciary, Division A

**Principal Author:** Snowden

**2013 GENERAL LAWS OF MISSISSIPPI HB 928**

***Title:*** AN ACT TO AMEND SECTION 89-5-8, MISSISSIPPI CODE OF 1972, TO ALLOW RECORDATION OF AN AFFIDAVIT OF SCRIVENER'S ERROR TO CORRECT CERTAIN ERRORS IN INSTRUMENTS AFFECTING TITLE TO REAL ESTATE; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 928

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representative Snowden

**House Bill 928**

(As Sent to Governor)

AN ACT TO AMEND SECTION 89-5-8, MISSISSIPPI CODE OF 1972, TO ALLOW RECORDATION OF AN AFFIDAVIT OF SCRIVENER'S ERROR TO CORRECT CERTAIN ERRORS IN INSTRUMENTS AFFECTING TITLE TO REAL ESTATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 89-5-8, Mississippi Code of 1972, is amended as follows:

89-5-8. (1) Any affidavit relating to the identification, the marital status, the heirship, the relation, the death, or the time of death, of any person who is a party to any instrument affecting the title to real estate, or any affidavit relating to the identification of any corporation or other legal entity which is a party to any instrument affecting the title to real estate, duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state, shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated.

(2) (a) Notice of a typographical or other minor error in an instrument affecting the title to real estate may be given by recording an affidavit of scrivener's error. If an affidavit is conspicuously identified as an affidavit of scrivener's error, the chancery clerk shall index the affidavit in the general index under the names of the original parties to the instrument if they are identified in the affidavit, and in the sectional index as provided in the indexing instructions of the affidavit. Notice of the corrective information provided by the affiant is effective upon recordation. An affidavit under this paragraph (a) may be prepared only by an attorney licensed to practice law in this state who prepared any instrument in the chain of title to the subject real estate.

(b) The affidavit of scrivener's error shall be sworn to and acknowledged before any officer or person authorized to

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administer an oath under the laws of this state, and shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated.

(c) If requested, the chancery clerk shall make a marginal notation on the instrument to which the affidavit refers.

(\* \* \* 3) Any affidavit so recorded, or a certified copy thereof, shall be admissible as evidence in any action involving the instrument to which it relates or the title to the real estate affected by the instrument and shall be prima facie evidence of the facts stated therein and the marketability of the title to real estate.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 990**

**Description:** PERS; update investment options for excess funds of the system.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 428

**History of Actions:**

- 1 01/21 (H) Referred To Appropriations
- 2 01/31 (H) Title Suff Do Pass
- 3 02/06 (H) Passed {Vote}
- 4 02/07 (H) Transmitted To Senate
- 5 02/15 (S) Referred To Accountability, Efficiency,

**Transparency; Finance**

- 6 03/05 (S) DR - TSDP: AC To FI
- 7 03/05 (S) Title Suff Do Pass
- 8 03/12 (S) Passed {Vote}
- 9 03/13 (S) Transmitted To House
- 10 03/15 (H) Enrolled Bill Signed
- 11 03/15 (S) Enrolled Bill Signed
- 12 03/21 Approved by Governor

**Code Section:** A 025-0011-0121

**----- Additional Information -----**

**House Committee:** Appropriations

**Senate Committee:** Accountability, Efficiency, Transparency, Finance

**Principal Author:** Huddleston (15th)

**Additional Authors:** Frierson

**Title:** AN ACT TO AMEND SECTION 25-11-121, MISSISSIPPI CODE OF 1972, TO CLARIFY THE INVESTMENT OPTIONS FOR EXCESS FUNDS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO REFLECT THE CURRENT INVESTMENT ENVIRONMENT AND TO UPDATE ALLOWABLE INVESTMENT OPPORTUNITIES TO ALLOW THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

TO TAKE ADVANTAGE OF ADDITIONAL INVESTMENT OPTIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 990

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Appropriations

By: Representatives Huddleston (15th), Frierson

**House Bill 990**

(As Sent to Governor)

AN ACT TO AMEND SECTION 25-11-121, MISSISSIPPI CODE OF 1972, TO CLARIFY THE INVESTMENT OPTIONS FOR EXCESS FUNDS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO REFLECT THE CURRENT INVESTMENT ENVIRONMENT AND TO UPDATE ALLOWABLE INVESTMENT OPPORTUNITIES TO ALLOW THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO TAKE ADVANTAGE OF ADDITIONAL INVESTMENT OPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-11-121, Mississippi Code of 1972, is amended as follows:

25-11-121. (1) The board shall, from time to time, determine the current requirements for benefit payments and administrative expense which shall be maintained as a cash working balance, except that such cash working balance shall not exceed at any time an amount necessary to meet the current obligations of the system for a period of ninety (90) days. Any amounts in excess of such cash working balance shall be invested, as follows\* \* \*:

\* \* \*

(\* \* \*\_a) Funds may be deposited in any institution insured by the Federal Deposit Insurance Corporation that maintains a facility that takes deposits in the State of Mississippi or a custodial bank;

(\* \* \*\_b) Corporate bonds and taxable municipal bonds\* \* \*; or corporate short-term obligations of corporations or of wholly owned subsidiaries of corporations, whose short-term obligations are rated A-2 or better by Standard and Poor's, rated P-2 or better by Moody's Investment Service, F-2 or better by Fitch Ratings, Ltd., or the equivalent of these ratings if assigned by another United States Securities and Exchange Commission designated Nationally Recognized Statistical Rating Organization;



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(c) Agency and nonagency residential and commercial mortgage-backed securities and collateralized mortgage obligations;

(d) Asset-backed securities;

(e) Bank loans;

(f) Convertible bonds;

( \* \* \* g) Bonds of the Tennessee Valley Authority;

( \* \* \* h) Bonds, notes, certificates and other valid obligations of the United States, and other valid obligations of any federal instrumentality that issues securities under authority of an act of Congress and are exempt from registration with the Securities and Exchange Commission;

( \* \* \* i) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States;

( \* \* \* j) Interest-bearing revenue bonds or notes or bonds or notes which are general obligations of any \* \* \* state in the United States or of any city or county therein \* \* \*;

( \* \* \* k) Bonds of established non-United States companies and foreign government securities \* \* \*. The board may take requisite action to effectuate or hedge transactions or invest in currency through foreign or domestic banks, including the purchase and sale, transfer, exchange, or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of this article to the contrary;

( \* \* \* l) Shares of stocks, common and/or preferred, of corporations created by or existing under the laws of the United States or any state, district or territory thereof and shares of stocks, common and/or preferred, and convertible securities of non-United States companies; provided:

(i) The maximum investments in stocks shall not exceed eighty percent (80%) of the total book value of the total investment fund of the system;

(ii) The stock of such corporation shall:

1. Be listed on a national stock exchange; or
2. Be traded in the over-the-counter market \* \* \*;

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(iii) The outstanding shares of such corporation shall have a total market value of not less than Fifty Million Dollars (\$50,000,000.00);

(iv) The amount of investment in any one (1) corporation shall not exceed three percent (3%) of the book value of the assets of the system;

(v) The shares of any one (1) corporation owned by the system shall not exceed five percent (5%) of that corporation's outstanding stock.

The board may take requisite action utilizing foreign currency as an investment vehicle, or to effectuate or hedge transactions for shares of stocks and convertible securities of non-United States companies through foreign or domestic banks, including the purchase and sale, transfer, exchange, or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of this article to the contrary;

(\* \* \* m) Covered call and put options on securities or indices traded on one or more of the regulated exchanges;

(\* \* \* n) Pooled or commingled funds managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of trustees, and shares of investment companies and unit investment trusts registered under the Investment Company Act of 1940, where such pooled or commingled funds or shares are comprised of common or preferred stocks, bonds, money market instruments or other investments authorized under this section. Such investment in commingled funds or shares shall be held in trust; provided that the total book value of investments under this paragraph shall at no time exceed five percent (5%) of the total book value of all investments of the system. Any investment manager approved by the board of trustees shall invest such commingled funds or shares as a fiduciary;

(\* \* \* o) Pooled or commingled real estate funds or real estate securities managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of trustees. Such investment in commingled funds or shares

shall be held in trust; provided that the total book value of investments under this paragraph shall at no time exceed ten percent (10%) of the total book value of all investments of the system. Any investment manager approved by the board of trustees shall invest such commingled funds or shares as a fiduciary. The ten percent (10%) limitation in this paragraph shall not be subject to the five percent (5%) limitation in paragraph\* \* \* (n) of this subsection;

(\* \* \* p) Types of investments not specifically authorized by this subsection if the investments are in the form of a separate account managed by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board; or a limited partnership or commingled fund approved by the board; provided that the total book value of investments under this paragraph shall at no time exceed ten percent (10%) of the total book value of all investments of the system. Any person or entity who exercises any discretionary authority or discretionary control respecting management of the separate account, limited partnership or commingled fund, or who exercises any authority or control respecting management or disposition of the assets of the separate account, limited partnership or commingled fund, shall exercise such authority or control as a fiduciary.

(2) All investments shall be acquired\* \* \* at prices not exceeding the prevailing market values for such\* \* \* investments.

(3) Any limitations herein set forth shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time. All investments shall be clearly marked to indicate ownership by the system and to the extent possible shall be registered in the name of the system.

(4) Subject to the above terms, conditions, limitations and restrictions, the board shall have power to sell, assign, transfer and dispose of any of the securities and investments of the system, provided that said sale, assignment or transfer has the majority approval of the entire board. The board may employ or contract with investment managers, evaluation services or other such services as determined by the board to be necessary for the effective and efficient operation of the system.

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(5) Except as otherwise provided herein, no trustee and no employee of the board shall have any direct or indirect interest in the income, gains or profits of any investment made by the board, nor shall any such person receive any pay or emolument for his services in connection with any investment made by the board. No trustee or employee of the board shall become an endorser or surety, or in any manner an obligor for money loaned by or borrowed from the system.

(6) All interest derived from investments and any gains from the sale or exchange of investments shall be credited by the board to the account of the system.

(7) The board of trustees\* \* \* shall credit regular interest\* \* \* to the annuity savings account monthly. Regular interest shall mean such per centum rate to be compounded annually as\* \* \* set by the board of trustees through regulation.

(8) The board of trustees shall be the custodian of the funds of the system. All\* \* \* retirement allowance payrolls shall be certified by the executive\* \* \* director who shall furnish the board a surety bond in a company authorized to do business in Mississippi in such an amount as shall be required by the board, the premium to be paid by the board from the expense account.

(9) For the purpose of meeting disbursements for retirement allowances, annuities and other payments, cash may be kept available, not exceeding the requirements of the system for a period of ninety (90) days, on deposit in one or more banks or trust companies organized under the laws of the State of Mississippi or the laws of the United States, provided that the sum on deposit in any one (1) bank or trust company shall not exceed thirty-five percent (35%) of the paid-up capital and regular surplus of such bank or trust company.

\* \* \*

(\* \* \* 10) The board, the executive\* \* \* director and employees shall discharge their duties with respect to the investments of the system solely for the interest of the system with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent investor acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, including diversifying the investments of the system



## 2013 GENERAL LAWS OF MISSISSIPPI HB 990

so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

(\* \* \* 11) Documentary material or data made or received by the system which consists of trade secrets or commercial or financial information that relates to the investments of the system shall be exempt from the Mississippi Public Records Act of 1983 if the disclosure of the material or data is likely to impair the system's ability to obtain such information in the future, or is likely to cause substantial harm to the competitive position of the person or entity from whom the information was obtained.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 1002**

**Description:** Commercial fishing license; revise manner of issuance for resident and nonresident fishermen.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 471

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (H) | Referred To Wildlife, Fisheries and Parks |
| 2  | 01/31 | (H) | Title Suff Do Pass                        |
| 3  | 02/07 | (H) | Amended                                   |
| 4  | 02/07 | (H) | Passed As Amended {Vote}                  |
| 5  | 02/12 | (H) | Transmitted To Senate                     |
| 6  | 02/13 | (S) | Referred To Wildlife, Fisheries and Parks |
| 7  | 02/28 | (S) | Title Suff Do Pass As Amended             |
| 8  | 03/11 | (S) | Amended                                   |
| 9  | 03/11 | (S) | Passed As Amended {Vote}                  |
| 10 | 03/12 | (S) | Returned For Concurrence                  |
| 11 | 03/18 | (H) | Concurred in Amend From Senate {Vote}     |
| 12 | 03/20 | (H) | Enrolled Bill Signed                      |
| 13 | 03/20 | (S) | Enrolled Bill Signed                      |
| 14 | 03/27 |     | Approved by Governor                      |

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1002

**Code Section:** A 049-0007-0009, A 049-0007-0012

**----- Additional Information -----**

**House Committee:** Wildlife, Fisheries and Parks

**Senate Committee:** Wildlife, Fisheries and Parks

**Principal Author:** Bounds

*Additional Authors:* Morgan

**Title:** AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO REVISE REQUIREMENTS FOR A RESIDENT FRESHWATER FISHING LICENSE; TO REQUIRE A RESIDENT TO OBTAIN A LICENSE IF HE IS CHARGED FOR FISHING IN PRIVATE WATERS; TO REMOVE AND RECODIFY RESIDENT FRESHWATER COMMERCIAL FISHING REQUIREMENTS; TO CREATE SECTION 49-7-9.1, MISSISSIPPI CODE OF 1972, TO CODIFY NONRESIDENT COMMERCIAL FISHING LICENSES AND REQUIREMENTS; TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS PROVIDE TAGS FOR CERTAIN COMMERCIAL FISHING EQUIPMENT; TO REVISE THE MINIMUM SIZE REQUIREMENT OF SLOT OPENINGS ON SLAT BASKETS; TO AMEND SECTION 49-7-12, MISSISSIPPI CODE OF 1972, TO CLARIFY AND EXPAND THE POWERS OF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REGULATE NONRESIDENT FRESHWATER COMMERCIAL FISHING; TO CREATE SECTION 49-7-12.1, MISSISSIPPI CODE OF 1972, TO REQUIRE A LICENSE AND TO REGULATE NONRESIDENT WHOLESALE DEALERS WHO BUY AND SELL NONGAME GROSS FISH IN THE STATE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1002

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks  
By: Representatives Bounds, Morgan

**House Bill 1002**  
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO REVISE REQUIREMENTS FOR A RESIDENT FRESHWATER FISHING LICENSE; TO REQUIRE A RESIDENT TO OBTAIN A LICENSE IF HE IS CHARGED FOR FISHING IN PRIVATE WATERS; TO REMOVE AND RECODIFY RESIDENT FRESHWATER COMMERCIAL FISHING REQUIREMENTS; TO CREATE SECTION 49-7-9.1, MISSISSIPPI CODE OF 1972, TO CODIFY NONRESIDENT COMMERCIAL FISHING LICENSES AND REQUIREMENTS; TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS PROVIDE TAGS FOR CERTAIN COMMERCIAL FISHING EQUIPMENT; TO REVISE THE MINIMUM SIZE REQUIREMENT OF SLOT OPENINGS ON SLAT BASKETS; TO AMEND SECTION 49-7-12, MISSISSIPPI CODE OF 1972, TO CLARIFY AND EXPAND THE POWERS OF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REGULATE NONRESIDENT FRESHWATER COMMERCIAL FISHING; TO CREATE SECTION 49-7-12.1, MISSISSIPPI CODE OF 1972, TO REQUIRE A LICENSE AND TO REGULATE NONRESIDENT WHOLESALE DEALERS WHO BUY AND SELL NONGAME GROSS FISH IN THE STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-7-9, Mississippi Code of 1972, is amended as follows:

49-7-9. (1) (a) Each resident of the State of Mississippi, as defined in Section 49-7-3, fishing in the public fresh waters of the state, including lakes and reservoirs, but not including privately owned ponds and streams, shall\* \* \* purchase a combination small game hunting and fishing license as provided in Section 49-7-5 for Eight Dollars (\$8.00). Any resident purchasing a\* \* \* license as prescribed in this subsection shall be entitled to fish, in accordance with the regulations and ordinances of the commission, in all public fresh waters within the territory of the State of Mississippi.

(b) A resident may purchase a resident fishing license valid for a period of three (3) days for the sum of Three Dollars (\$3.00).

(c) No license shall be required of any resident citizen of the State of Mississippi who has not reached the age of sixteen (16) years or who has reached the age of sixty-five (65) years or who is blind, paraplegic, a multiple amputee or has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged totally disabled by the Social Security Administration. Such person shall not be required to purchase or have in his possession a hunting or fishing license while engaged in such activities.

(d) A person exempt by reason of age, total service-connected disability as adjudged by the Veterans Administration or total disability as adjudged by the Social Security Administration or who is blind, paraplegic or a multiple amputee, shall have in their possession and on their person proof of their age, residency, disability status or other respective physical impairment while engaged in the activities of hunting or fishing.

(e) Any resident who is a member of the Armed Forces, including the Reserves and National Guard, and on active duty outside the State of Mississippi is not required to purchase or have in his possession a hunting or fishing license while engaged in such activities on leave from active duty. Such resident shall have in his possession and on his person such proof as may be required by the commission.

\* \* \*

(\* \* \* 2) (a) All persons fishing in privately owned lakes or ponds shall have specific permission to do so from the owner of such lake or pond.

(b) Residents do not need a fishing license to fish in those waters, except when the owner of the lake or pond charges a fee for fishing, then a resident must have a fishing license to fish in those waters unless exempted under subsection (1) of this section.

(\* \* \* 3) The first weekend of "National Fishing and Boating Week" in June of each year is designated as "Free Fishing Weekend." July 4 is designated as "Free Fishing Day." Any person may sport fish without a license on "Free Fishing Weekend," \* \* \* and on "Free Fishing Day."



## 2013 GENERAL LAWS OF MISSISSIPPI HB 1002

(\* \* \* 4) Any person authorized to issue any license under this section may collect and retain for issuing each license the additional fee authorized under Section 49-7-17.

**SECTION 2.** The following shall be codified as Section 49-7-9.1, Mississippi Code of 1972:

49-7-9.1. (1) (a) Any resident engaged in fishing for commercial purposes and selling or peddling nongame gross fish at retail or selling or shipping same at wholesale, as to markets, dealers or canning plants, shall purchase a commercial fishing license. .

(b) A licensee must label each piece of commercial fishing equipment with a waterproof or metal tag containing any information required by the department. A piece of commercial fishing equipment is defined as: One (1) each hoop or barrel net; one thousand (1,000) feet or less of trotline; one thousand (1,000) feet or less of snagline; three thousand (3,000) feet or less of gill netting; or three thousand (3,000) feet or less of trammel netting. Netting of over three thousand (3,000) feet is prohibited.

(c) Upon the purchase of a commercial license for use of hoop or barrel nets, the licensee is permitted to use lead nets thirty-five (35) yards in length for each two (2) barrel nets used, but not to exceed seven (7) lead nets.

(2) Each person taking nongame gross fish as defined in Section 49-7-1, of any kind from the fresh waters of the state shall be considered a producer and shall be entitled to sell his own catch of nongame gross fish to anyone except as otherwise provided by law or applicable regulations.

(3) Each resident buying or handling nongame gross fish secured from commercial fishermen or others for the purpose of resale, whether handled on a commission basis or otherwise, and each resident shipping nongame gross fish not his own catch out of the State of Mississippi shall be considered a wholesale dealer and shall purchase a commercial fishing license. Resident wholesale dealers' licenses shall be issued only to persons who have been bona fide residents of the State of Mississippi for at least six (6) months.

(4) Each resident buying nongame gross fish from a licensed wholesale dealer or licensed commercial fisherman for retail sale to the consumer only on rural or urban routes shall purchase a commercial fishing license to do so.



## 2013 GENERAL LAWS OF MISSISSIPPI HB 1002

(5) Each resident engaged in the buying and selling of nongame gross fish as a wholesale dealer's agent, whether on a commission or salary basis, or otherwise, and not selling in the open market, shall purchase a commercial fishing license and shall be responsible for any illegal transaction ensuing between the time he purchases the fish from the fisherman and the time the fish are accepted by the wholesaler by whom he is employed.

(6) (a) Any resident using a wooden or plastic slat basket shall purchase a slat basket license for each basket each year in addition to a commercial fishing license. Slat baskets are defined as commercial fishing devices used solely for the capture of catfish and made entirely of wood and/or plastic slats in a box-like or cylindrical shape. Slat baskets shall not exceed six (6) feet in length nor exceed fifteen (15) inches in width and height or diameter, may have no more than two (2) throats, and must have at least four (4) slot openings at least one and one-fourth (1-1/4) by twenty-four (24) inches evenly spaced around the sides of the catch area. The one and one-fourth (1-1/4) inch wide slots or greater must begin at the rear of the basket and run twenty-four (24) inches toward the throat end of the basket. Slat baskets shall be placed at least one hundred (100) yards apart and may not be used with any form of leads, netting or guiding devices.

(b) Each slat basket shall have a waterproof or metal tag attached to it containing any information required by the department. Any other identification of the owner of the slat basket shall meet any specifications required by the department. Slat baskets may be fished statewide except where specifically prohibited.

(c) Any violation of this subsection shall be a Class I violation as prescribed in Section 49-7-141.

(7) It is unlawful for any person to offer for sale undersized nongame gross fish.

(8) (a) The fee for a resident commercial fishing license shall be Thirty Dollars (\$30.00).

(b) The fee for a slat basket license shall be Thirty Dollars (\$30.00).

(9) Any person authorized to issue any license under this section may collect and retain for issuing each license the additional fee authorized under Section 49-7-17.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1002

**SECTION 3.** Section 49-7-12, Mississippi Code of 1972, is amended as follows:

49-7-12. (1) The commission may promulgate rules and regulations for nonresident recreational and commercial permits and licenses in order to promote and to enter into reciprocal agreements with other states.

(2) The commission may issue and prescribe the forms, types and fees of nonresident freshwater commercial fishing licenses to be sold by the department and not by licensing agents.

(3) (a) The commission may prescribe regulations for nonresident commercial fishing equipment, tagging requirements, harvest size and possession restrictions, restricted areas, fishing restrictions, reporting requirements, wholesale dealers, and the selling, reselling and exporting of fish taken in the public freshwaters of the state.

(b) The commission may exercise all powers necessary to regulate nonresident freshwater commercial fishing.

(\* \* \* 4) The commission may require a nonresident to purchase the same type and number of freshwater commercial fishing licenses and pay the same fees that are required of Mississippi residents to engage in like activity in the nonresident's state.

(\* \* \* 5) Any nonresident who engages in freshwater commercial fishing without having the required licenses is guilty of a Class I violation and punishable as provided under Section 49-7-141 and shall forfeit any equipment, gear or nets used in the offense.

**SECTION 4.** The following shall be codified as Section 49-7-12.1, Mississippi Code of 1972:

49-7-12.1. (1) Nonresident wholesale dealers who buy nongame gross fish in the state for the purpose of resale shall obtain a nonresident commercial fishing license.

(2) Any nonresident who imports nongame gross fish into the state for the purpose of resale to a wholesale or retail dealer or to a consumer shall obtain a nonresident commercial fishing license.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1132**

**Description:** Department of ITS; may charge vendors a fee to recover cost of providing procurement services.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 430

**History of Actions:**

1	01/21	(H)	Referred To Ways and Means
2	02/04	(H)	Title Suff Do Pass
3	02/11	(H)	Passed {Vote}
4	02/12	(H)	Transmitted To Senate
5	02/15	(S)	Referred To Accountability, Efficiency, Transparency; Appropriations
6	02/28	(S)	DR - TSDP: AC To AP
7	03/05	(S)	Title Suff Do Pass
8	03/12	(S)	Passed {Vote}
9	03/13	(S)	Transmitted To House
10	03/15	(H)	Enrolled Bill Signed
11	03/15	(S)	Enrolled Bill Signed
12	03/21		Approved by Governor

**Code Section:** A 025-0053-0029

**----- Additional Information -----**

**House Committee:** Ways and Means

**Senate Committee:** Accountability, Efficiency, Transparency, Appropriations

**Principal Author:** Turner

**Title:** AN ACT TO AMEND SECTION 25-53-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO CHARGE FEES TO VENDORS TO RECOVER THE COST OF PROVIDING PROCUREMENT SERVICES AND THE DELIVERY OF PROCUREMENT AWARDS TO PUBLIC BODIES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1132

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Turner

**House Bill 1132**

(As Sent to Governor)

AN ACT TO AMEND SECTION 25-53-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO CHARGE FEES TO VENDORS TO RECOVER THE COST OF PROVIDING PROCUREMENT SERVICES AND THE DELIVERY OF PROCUREMENT AWARDS TO PUBLIC BODIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-53-29, Mississippi Code of 1972, is amended as follows:

25-53-29. (1) For the purposes of this section the term "bureau" shall mean the "Mississippi Department of Information Technology Services." The authority shall have the following powers and responsibilities to carry out the establishment of policy and provide for long-range planning and consulting:

(a) Provide a high level of technical expertise for agencies, institutions, political subdivisions and other governmental entities as follows: planning; consulting; project management; systems and performance review; system definition; design; application programming; training; development and documentation; implementation; maintenance; and other tasks as may be required, within the resources available to the bureau.

(b) Publish written planning guides, policies and procedures for use by agencies and institutions in planning future electronic information service systems. The bureau may require agencies and institutions to submit data, including periodic electronic equipment inventory listings, information on agency staffing, systems under study, planned applications for the future, and other information needed for the purposes of preparing the state master plan. The bureau may require agencies and institutions to submit any additional data required for purposes of preparing the state master plan.

(c) Inspect agency facilities and equipment, interview agency employees and review records at any time deemed



necessary by the bureau for the purpose of identifying cost-effective applications of electronic information technology. Upon conclusion of any inspection, the bureau shall issue a management letter containing cost estimates and recommendations to the agency head and governing board concerning applications identified that would result in staff reductions, other monetary savings and improved delivery of public services.

(d) Conduct classroom and on-site training for end users for applications and systems developed by the bureau.

(e) Provide consulting services to agencies and institutions or Mississippi governmental subdivisions requesting technical assistance in electronic information services technology applications and systems. The bureau may submit proposals and enter into contracts to provide services to agencies and institutions or governmental subdivisions for such purposes.

(2) The bureau shall annually issue a three-year master plan in writing to the Governor, available on request to any member of the Legislature, including recommended statewide strategies and goals for the effective and efficient use of information technology and services in state government. The report shall also include recommended information policy actions and other recommendations for consideration by the Governor and members of the Legislature.

(3) The bureau shall make an annual report in writing to the Governor, available on request to any member of the Legislature, to include a full and detailed account of the work of the authority for the preceding year. The report shall contain recommendations to agencies and institutions resulting from inspections or consulting contracts. The report shall also contain a summary of the master plan, progress made, and legislative and policy recommendations for consideration by the Governor and members of the Legislature.

(4) The bureau may charge fees to agencies and institutions for services rendered to them. The bureau may charge fees to vendors to recover the cost of providing procurement services and the delivery of procurement awards to public bodies. The amounts of such fees shall be set by the authority upon recommendation of the Executive Director of the MDITS, and all such fees collected shall be paid into the fund established for carrying out the purposes of this section. . . .



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(5) It is the intention of the Legislature that the employees of the bureau performing services defined by this section be staffed by highly qualified persons possessing technical, consulting and programming expertise. Such employees shall be considered nonstate service employees as defined in Section 25-9-107(c) (x) and may be compensated at a rate comparable to the prevailing rate of individuals in qualified professional consulting firms in the private sector. Such compensation rates shall be determined by the State Personnel Director. The number of such positions shall be set by annual appropriation of the Legislature. Qualifications and compensation of the bureau employees shall be set by the State Personnel Board upon recommendation of the Executive Director of the MDITS. The total number of positions and classification of positions may be increased or decreased during a fiscal year depending upon work load and availability of funds.

(6) The bureau may, from time to time, at the discretion of the Executive Director of the MDITS, contract with firms or qualified individuals to be used to augment the bureau's professional staff in order to assure timely completion and implementation of assigned tasks, provided that funds are available in the fund established for carrying out the purposes of this section. Such individuals may be employees of any agency, bureau or institution provided that these individuals or firms meet the requirements of other individuals or firms doing business with the state through the Mississippi Department of Information Technology Services. Individuals who are employees of an agency or institution may contract with the Mississippi Department of Information Technology Services only with the concurrence of the agency or institution for whom they are employed.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1139**

**Description:** Primitive weapon season; authorize use of firearm of choice upon certain private lands during.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2014

*Chapter Number:* 439

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (H) | Referred To Wildlife, Fisheries and Parks |
| 2  | 01/31 | (H) | Title Suff Do Pass Comm Sub               |
| 3  | 02/12 | (H) | Committee Substitute Adopted              |
| 4  | 02/12 | (H) | Passed {Vote}                             |
| 5  | 02/14 | (H) | Transmitted To Senate                     |
| 6  | 02/15 | (S) | Referred To Wildlife, Fisheries and Parks |
| 7  | 02/20 | (S) | Title Suff Do Pass As Amended             |
| 8  | 02/27 | (S) | Amended                                   |
| 9  | 02/27 | (S) | Failed {Vote}                             |
| 10 | 02/27 | (S) | Motion to Reconsider Entered              |
| 11 | 03/12 | (S) | Reconsidered                              |
| 12 | 03/12 | (S) | Passed As Amended {Vote}                  |
| 13 | 03/13 | (S) | Returned For Concurrence                  |
| 14 | 03/14 | (H) | Concurred in Amend From Senate {Vote}     |
| 15 | 03/18 | (H) | Enrolled Bill Signed                      |
| 16 | 03/19 | (S) | Enrolled Bill Signed                      |
| 17 | 03/25 |     | Approved by Governor                      |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 1139

**Code Section:** A 049-0007-0031

----- **Additional Information** -----

**House Committee:** Wildlife, Fisheries and Parks

**Senate Committee:** Wildlife, Fisheries and Parks

**Principal Author:** Bounds

**Additional Authors:** Morgan

**Title:** AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TAKING OF DEER DURING ANY OPEN SEASON ON DEER WITH PRIMITIVE WEAPONS BY A PERSON WITH ANY LEGAL WEAPON OF CHOICE ON PRIVATE LANDS IF THE PERSON IS THE LANDOWNER, LESSEE, MEMBER OF A HUNTING CLUB OR A GUEST OF EITHER; TO PROVIDE THAT IF A LICENSE IS REQUIRED FOR THE TAKING OF DEER UPON PRIVATE LANDS, THE HUNTER SHALL PURCHASE AND HAVE IN HIS OR HER POSSESSION A VALID PRIMITIVE WEAPON LICENSE, SPORTSMAN'S LICENSE OR LIFETIME SPORTSMAN'S LICENSE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1139

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks

By: Representatives Bounds, Morgan

**House Bill 1139**

(As Sent to Governor)

AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TAKING OF DEER DURING ANY OPEN SEASON ON DEER WITH PRIMITIVE WEAPONS BY A PERSON WITH ANY LEGAL WEAPON OF CHOICE ON PRIVATE LANDS IF THE PERSON IS THE LANDOWNER, LESSEE, MEMBER OF A HUNTING CLUB OR A GUEST OF EITHER; TO PROVIDE THAT IF A LICENSE IS REQUIRED FOR THE TAKING OF DEER UPON PRIVATE LANDS, THE HUNTER SHALL PURCHASE AND HAVE IN HIS OR HER POSSESSION A VALID PRIMITIVE WEAPON LICENSE, SPORTSMAN'S LICENSE OR LIFETIME SPORTSMAN'S LICENSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-7-31, Mississippi Code of 1972, is amended as follows:

49-7-31. (1) The open season on deer shall be as follows:

(a) With bow and arrow: October 1 through the Friday prior to Thanksgiving.

(b) With guns and with dogs: from the Saturday prior to Thanksgiving through December 1.

(c) With primitive weapons and without dogs: December 2 through December 15.

(d) With guns and without dogs: December 16 through December 23. However, the commission may allow hunting statewide or in specific areas with any legal weapon which it may designate without dogs after the end of the last season for hunting deer with guns and with dogs, but the season with legal designated weapons and without dogs shall not extend beyond January 31.

(e) The commission shall establish an extended season with primitive weapons and bow and arrow without dogs from February 1 through February 15 for the area south of U.S. Highway 84 and east of Mississippi Highway 35 only for legal bucks. Any antlered deer taken in this area during any open

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season under this section must be a legal buck as defined in this paragraph. For purposes of this paragraph, the term "legal buck" means a deer with antlers of four (4) points or more with a minimum inside spread of ten (10) inches or a minimum main beam length of thirteen (13) inches. The commission may regulate the taking of deer with antlers of four (4) points or less under this paragraph for the proper management of antlered deer. The commission may delay the opening date and change the length of bow and arrow season in subsection (1)(a) in this area.

(f) With guns and with dogs: December 24 through a date fixed by the commission that will provide a total of thirty-nine (39) days of hunting deer with guns and with dogs when added to the number of days provided for hunting deer with guns and with dogs in paragraph (b).

(2) The commission may set and regulate the deer seasons on wildlife management areas which it administers.

(3) (a) The commission may allow the harvesting of antlerless deer in the districts or zones upon the recommendation of the executive director based upon good and substantial quantitative data and research evaluations that demonstrate that the harvesting is necessary to properly manage the herd.

(b) The commission, only upon the recommendation of the executive director, may allow the harvesting of antlerless deer during the deer season with guns and with dogs by a majority vote of the commission.

(c) Nothing in this subsection prohibits the harvesting of either-sex deer by landowners or leaseholders on private lands under the deer management assistance program prescribed or approved by the executive director.

(4) The commission may provide a special permit for the harvesting of deer when they are depredating and destroying crops. The department shall supervise the harvesting and provide for the salvaging of the meat of the animals. The commission may authorize the department to assist any farmer in this state, who sustains crop damage by wildlife, in eradication of the problem wildlife.

(5) (a) During any open season on deer with primitive weapons after November 30, a person may use any legal weapon of choice on private lands only, if the person is:



(i) The title owner of the land;

(ii) The lessee of the hunting rights on the land;

(iii) A member of a hunting club leasing the hunting rights on the land; or

(iv) A guest of a person specified in subparagraph (i), (ii) or (iii).

(b) If the person is required to have a hunting license, the person must have a primitive weapon license, Sportsman's License or a Lifetime Sportsman's License.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2014.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1162**

**Description:** Acupuncture Practice Act; extend repealer on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 465

**History of Actions:**

1	01/21	(H)	Referred To Public Health and Human Services
2	01/31	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/12	(S)	Referred To Public Health and Welfare
6	03/05	(S)	Title Suff Do Pass As Amended
7	03/07	(S)	Amended
8	03/07	(S)	Passed As Amended {Vote}
9	03/08	(S)	Returned For Concurrence
10	03/14	(H)	Concurred in Amend From Senate {Vote}
11	03/20	(H)	Enrolled Bill Signed
12	03/20	(S)	Enrolled Bill Signed
13	03/26		Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1162

**Code Section:** R 073-0071-0001, R 073-0071-0003, R 073-0071-0005, R 073-0071-0007, R 073-0071-0009, R 073-0071-0011, R 073-0071-0013, R 073-0071-0015, R 073-0071-0017, A 073-0071-0019, R 073-0071-0021, R 073-0071-0023, R 073-0071-0025, R 073-0071-0027, R 073-0071-0029, R 073-0071-0031, R 073-0071-0033, R 073-0071-0035, R 073-0071-0037, R 073-0071-0039, R 073-0071-0041, R 073-0071-0043, R 073-0071-0045, R 073-0071-0047, R 073-0071-0049, R 073-0071-0051, A 073-0071-0053

----- Additional Information -----

**House Committee:** Public Health and Human Services

**Senate Committee:** Public Health and Welfare

**Principal Author:** Formby

**Additional Authors:** Scott

**Title:** AN ACT TO REENACT SECTIONS 73-71-1 THROUGH 73-71-51, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI ACUPUNCTURE PRACTICE ACT; TO AMEND SECTION 73-71-19, MISSISSIPPI CODE OF 1972, TO REQUIRE CRIMINAL RECORD BACKGROUND CHECKS FOR APPLICANTS; TO AMEND SECTION 73-71-53, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI ACUPUNCTURE PRACTICE ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1162

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representatives Formby, Scott

**House Bill 1162**

(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-71-1 THROUGH 73-71-51, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI ACUPUNCTURE PRACTICE ACT; TO AMEND SECTION 73-71-19, MISSISSIPPI CODE OF 1972, TO REQUIRE CRIMINAL RECORD BACKGROUND CHECKS FOR APPLICANTS; TO AMEND SECTION 73-71-53, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI ACUPUNCTURE PRACTICE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-71-1, Mississippi Code of 1972, is reenacted as follows:

73-71-1. This chapter shall be known and may be cited as the "Acupuncture Practice Act." Whenever a reference is made to the Acupuncture Practice Act by the provisions of any statute, it is to be construed as referring to the provisions of this chapter.

**SECTION 2.** Section 73-71-3, Mississippi Code of 1972, is reenacted as follows:

73-71-3. (1) In its concern with the need to eliminate the fundamental causes of illness and with the need to treat the whole person, the Legislature intends to establish in this chapter a framework for the practice of the art and science of acupuncture.

(2) The purposes of this chapter are to encourage the effective utilization of the skills relative to practitioners of acupuncture by citizens desiring their services; to remove the existing legal constraints that unnecessarily hinder the effective provision of health care services; and to subject individuals practicing acupuncture to regulation and control as a primary and independent health care profession.

**SECTION 3.** Section 73-71-5, Mississippi Code of 1972, is reenacted as follows:

73-71-5. As used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Accredited college of acupuncture" means any college, school or division of a university or college that offers the degree of Master of Science in Oriental Medicine (MSOM) or its equivalent and that is accredited by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM).

(b) "Acupuncturist" means a person who has received a professional degree from a college of acupuncture and Oriental medicine.

(c) "Acupuncturist-patient relationship" means that the acupuncturist has assumed the responsibility for making clinical judgments regarding the health of the patient and the need for medical treatment, and the patient has agreed to follow the acupuncturist's instructions.

(d) "Acupuncture practitioner" means a practitioner licensed under this chapter to practice the techniques of acupuncture in this state and includes the term "acupuncturist."

(e) "Advisory council" means the Mississippi Council of Advisors in Acupuncture established in this chapter.

(f) "Board" means the State Board of Medical Licensure established in Section 73-43-1 et seq.

(g) "Complementary and integrative therapies" means a heterogeneous group of preventive, diagnostic and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from western medicine routinely taught in accredited medical colleges, or both. These therapies include, but are not limited to, acupuncture, acutheraPy and acupressure.

(h) "Impaired practitioner" means a practitioner who is unable to practice acupuncture with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination from a competent authority or written consent based on clinical evidence, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.



(i) "Informed consent" means the acupuncture practitioner has informed the patient, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis and has provided the patient with an estimate of the charges for treatment to be rendered and the patient has consented to the recommended treatment.

(j) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

(k) "Physician" means a doctor of medicine or osteopathy who is legally authorized to practice medicine in the State of Mississippi.

(l) "Practice of acupuncture" means:

(i) To treat, correct, change, alleviate or prevent disease, illness, pain, deformity, defect, injury or other physical or mental conditions by the techniques of acupuncture, including:

1. The administering or applying of an apparatus or other therapeutic technique as defined in this chapter; or

2. The using of complementary and integrative therapies as defined in this chapter; or

3. The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of the above.

(ii) To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in this paragraph.

(iii) To use any title, words, abbreviation or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in this paragraph.

(m) "Techniques of acupuncture" includes acupuncture, moxibustion or heating modalities, cupping, magnets, ion pumping cords, electroacupuncture including electrodermal assessment, application of cold packs, dietary, nutritional and lifestyle counseling, manual therapy (Tui Na), massage, breathing and exercise techniques, the administration of any herb and nutritional supplement and meridian therapy. The terms used in this paragraph are defined as follows:

(i) "Acupuncture" means the insertion and manipulation of needles to the body, and the use of Oriental medicine and other modalities and procedures at specific locations on the body, for the prevention or correction of any disease, illness, injury, pain or other condition.

(ii) "Cupping" means the heating of air or mechanical creation of suction in a cup, application to specific locations on the body to induce local vasodilation and mechanical expansion of underlying tissue.

(iii) "Ion pumping cords" means the application of wires containing diodes to acupuncture needles that have been placed on the body.

(iv) "Magnets" means the application of magnets to specific locations on the body.

(v) "Electroacupuncture including electrodermal assessment" means the use of electronic biofeedback, and electrostimulation instruments.

(vi) "Cold packs" means the application of cold packs and ice to specific locations on the body to reduce heat conditions or inflammation in surface tissues of the body.

(vii) "Dietary, nutritional and lifestyle counseling" means in depth patient interviews and counseling to determine whether poor dietary, lifestyle or nutritional practices are a factor in a patient's illness and to educate toward a healthier lifestyle.

(viii) "Manual therapy (Tui Na) and massage" means mobilization of skeletal and soft tissues.

(ix) "Breathing and exercise techniques" means the use of Qi Gong and other techniques of therapeutic breathing and exercise.

(x) "Administration of herbal and botanical substances" means the administration of herbs of animal, vegetable or mineral origin for health maintenance and the treatment of effects of disease.

(xi) "Vitamin, mineral or nutritional supplement" means a nutritional substance, including a concentrate or extract of such a substance.

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(xii) "Devices for meridian therapy" means all assessment and/or treatment devices for use with acupuncture meridians.

**SECTION 4.** Section 73-71-7, Mississippi Code of 1972, is reenacted as follows:

73-71-7. All of the following shall apply to an acupuncture practitioner who is licensed to practice in Mississippi:

(a) The practitioner shall perform the technique of acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician. As specified in the referral or prescription, the acupuncturist shall provide reports to the physician on the patient's condition or progress in treatment and comply with the conditions or restrictions on the acupuncturist's course of treatment.

(b) The practitioner shall perform the technique of acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.

(c) Before treating a patient, the practitioner shall advise the patient that acupuncture is not a substitute for conventional medical diagnosis and treatment and shall obtain the informed consent of the patient.

(d) On initially meeting a patient in person, the practitioner shall provide in writing the practitioner's name, business address, and business telephone number, and information on acupuncture, including the techniques that are used.

(e) While treating a patient, the practitioner shall not make a diagnosis. If a patient's condition is not improving or a patient requires emergency medical treatment, the practitioner shall consult promptly with a physician.

**SECTION 5.** Section 73-71-9, Mississippi Code of 1972, is reenacted as follows:

73-71-9. All of the following shall apply to an acupuncture practitioner's supervising physician for a patient:

(a) Before making the referral or prescription for acupuncture, the physician shall perform a medical diagnostic examination of the patient or review the results of a

medical diagnostic examination recently performed by another physician.

(b) The physician shall make the referral or prescription in writing and specify in the referral or prescription all of the following:

(i) The physician's diagnosis of the ailment or condition that is to be treated by acupuncture;

(ii) A time by which or the intervals at which the practitioner must provide reports to the physician regarding the patient's condition or progress in treatment; and

(iii) The conditions or restrictions placed on the practitioner's course of treatment.

(c) The physician shall be personally available for consultation with the practitioner. If the physician is not on the premises at which acupuncture is performed, the physician shall be readily available to the practitioner through some means of telecommunication and be in a location that under normal circumstances is not more than sixty (60) minutes travel time away from the location where the practitioner is practicing.

**SECTION 6.** Section 73-71-11, Mississippi Code of 1972, is reenacted as follows:

73-71-11. (1) There is hereby established the Mississippi Council of Advisors in Acupuncture to aid the State Board of Medical Licensure in administering the provisions of this chapter.

(2) The council shall consist of three (3) persons appointed by the Executive Director of the State Medical Licensure Board to be selected from a list of six (6) nominees of the Mississippi Oriental Medicine Association. Members of the council shall either be acupuncture practitioners who are not medical, osteopathic or chiropractic doctors or surgeons, or medical doctors who are registered to practice acupuncture or qualify as an acupuncture practitioner.

(3) The initial members of the council shall be appointed by the Governor for staggered terms as follows: one (1) member shall be appointed for a term ending on July 1, 2011, and two (2) members shall be appointed for terms ending on July 1, 2012. After the expiration of the initial terms, each successor member shall be appointed for a term of three (3) years. A



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vacancy shall be filled by appointment by the Governor for the remainder of the unexpired term. Council members shall serve until their successors have been appointed and qualified.

(4) No council member shall serve more than two (2) consecutive full terms, and any member failing to attend three (3) consecutive meetings after proper notice has been given by the council shall automatically be removed as a council member, unless excused for reasons set forth in council regulations.

(5) The Governor may remove any member from the council for neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board regulations, for conflict of interest, or for any reason that would justify the suspension or revocation of his or her license to practice acupuncture.

(6) A majority of the members of the council shall constitute a quorum to conduct business. It shall require an affirmative vote of a majority of those members present at a meeting to take any action or pass any motion. The council shall, not later than September 1, 2009, and annually thereafter in the month of July, hold a meeting and elect from its membership a chairman and vice chairman. The council shall meet at any other times as it deems necessary or advisable by the chairman, a majority of its members, or the Governor. Reasonable notice of all meetings shall be given in the manner prescribed by the Open Meetings Law (Section 25-3-41 et seq.). Members of the council are not liable to civil action for any act performed in good faith in the execution of duties as a council member.

(7) Members of the council shall be reimbursed for expenses and mileage as provided in Section 25-3-41, but shall receive no other compensation, perquisite or allowance for service on the council.

(8) The council shall report annually to the Legislature statistics regarding the number of licensees, results of the licensing examinations, and violations investigated during the previous year.

**SECTION 7.** Section 73-71-13, Mississippi Code of 1972, is reenacted as follows:

73-71-13. (1) The State Board of Medical Licensure is hereby empowered, authorized and directed to adopt, amend, promulgate and enforce such rules, regulations and standards



governing the practice of acupuncture as may be necessary to further the accomplishment of the purpose of this chapter, and in so doing shall utilize as the basis thereof the corresponding recommendations of the advisory council.

(2) The board's authority and responsibility include the following:

(a) Grant, deny, renew, restrict, suspend or revoke licenses to practice acupuncture in accordance with the provisions of this chapter or other applicable state law;

(b) Examine by established protocol the qualifications and fitness of applicants for a license to practice acupuncture in this state;

(c) Conduct investigations of suspected violations of this chapter to determine whether there are sufficient grounds to initiate disciplinary proceedings;

(d) Inspect premises and equipment, on a triennial basis and assess an inspection fee in the amount of One Hundred Dollars (\$100.00) per inspection and an additional fee of Fifty Dollars (\$50.00) for each licensed acupuncturist employed by the inspected establishment;

(e) Hold hearings on all matters properly brought before the board, to administer oaths, receive evidence, make necessary determinations and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records or other documentary evidence and commission depositions. The board may designate one or more of its members to serve as its hearing officer. The board shall adopt rules and regulations for hearings before the board and the rules shall afford any person appearing before the board the safeguards of procedural due process. Formal rules of evidence shall not apply;

(f) Contract with independent consultants or other appropriate agencies to administer examinations for licensure, according to the provisions of this chapter, and establish a fee for such examination not to exceed Five Hundred Dollars (\$500.00);

(g) Establish and publish a schedule of fees for annual licensing, certification and renewal not to exceed Four Hundred Dollars (\$400.00) annually; and

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(h) Keep and maintain accurate records of all board business in accordance with state law.

The powers enumerated in this section are granted for the purpose of enabling the board to supervise effectively the practice of acupuncture and are to be construed liberally to accomplish this objective.

**SECTION 8.** Section 73-71-15, Mississippi Code of 1972, is reenacted as follows:

73-71-15. Unless licensed as an acupuncture practitioner under this chapter, or exempt from licensure under the provisions of this chapter, no person shall practice or hold himself or herself out as practicing or engaging in the practice of acupuncture, either for compensation or gratuitously.

**SECTION 9.** Section 73-71-17, Mississippi Code of 1972, is reenacted as follows:

73-71-17. (1) An acupuncture practitioner license authorizes the holder to engage in the practice of acupuncture.

(2) This chapter shall not be construed to limit, interfere with, or prevent any other class of licensed health care professionals from practicing within the scope of their licenses as defined by each profession's state licensing statute.

(3) This chapter shall not be construed to make unlawful the activities of persons involved in research performed under the auspices of a federal or state regulated research institution.

(4) The practice and techniques of acupuncture shall not include the practice of physical therapy as defined in the Mississippi Physical Therapy Practice Law, Title 73, Chapter 23 of the Mississippi Code of 1972.

**SECTION 10.** Section 73-71-19, Mississippi Code of 1972, is amended as follows:

73-71-19. (1) No person shall be licensed to practice acupuncture unless he or she has passed an examination and/or has been found to have the necessary qualifications as prescribed in the regulations adopted by the board.

(2) Before any applicant is eligible for an examination or qualification, he or she shall furnish satisfactory proof that he or she:

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(a) Is a citizen or permanent resident of the United States;

(b) Has demonstrated proficiency in the English language;

(c) Is at least twenty-one (21) years of age;

(d) Is of good moral character;

(e) Has completed a program of acupuncture and has received a certificate or diploma from an institute approved by the board, according to the provisions of this chapter;

(f) Has completed a clinical internship training as approved by the board; and

(g) Has received training in cardiopulmonary resuscitation (CPR).

(3) The board may hold an examination at least once a year, and all applicants shall be notified in writing of the date and time of all examinations. The board may use a NCCAOM examination if it deems that national examination to be sufficient to qualify a practitioner for licensure in this state. In no case shall the state's own examination be less rigorous than the nationally recognized examination.

(4) In addition to the written examination, if the nationally recognized examination does not provide a suitable practical examination comparable to board standards, the board shall examine each applicant in the practical application of Oriental medical diagnostic and treatment techniques in a manner and by methods that reveal the applicant's skill and knowledge.

(5) The board shall require all qualified applicants to be examined in the following subjects:

(a) Anatomy and physiology;

(b) Pathology;

(c) Diagnosis;

(d) Hygiene, sanitation and sterilization techniques;

(e) All major acupuncture principles, practices and techniques; and

(f) Clean Needle Technique Exam.

(6) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based

criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose. Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency. The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories. The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

( \* \* \* 7 ) The board shall issue a license to every applicant whose application has been filed with and approved by the board and who has paid the required fees and who either:

(a) Has passed the board's written examination and practical examination, with a score of not less than seventy percent (70%) on each examination; or

(b) Has achieved a passing score on a board approved nationally recognized examination, which examination includes a written and practical portion, as determined by the board; or



(c) Has received certification from a board approved national certification process; or

(d) Has achieved a passing score on a board approved nationally recognized written examination and has passed the board's practical examination with a score of not less than seventy percent (70%).

(\* \* \* 8) The board shall keep a record of all examinations held, together with the names and addresses of all persons taking examinations, and the examination results. Within forty-five (45) days after the examination, the board shall give written notice of the results of the examination to each applicant.

**SECTION 11.** Section 73-71-21, Mississippi Code of 1972, is reenacted as follows:

73-71-21. The board may, at its discretion, issue a license without examination to an acupuncture practitioner who has been licensed, certified or otherwise formally legally recognized as an acupuncturist or acupuncture practitioner in any state or territory if all three (3) of the following conditions are met to its satisfaction:

(a) The applicant meets the requirements of practice in the state or territory in which the applicant is licensed, certified, or registered as an acupuncturist or acupuncture practitioner;

(b) The requirements for practice in the state or territory in which the applicant is licensed, certified or registered as an acupuncturist or acupuncture practitioner are at least as stringent as those of this state; and

(c) The state or territory in which the applicant is licensed, certified or legally recognized as an acupuncturist or acupuncture practitioner permits an acupuncture practitioner licensed in this state to practice acupuncture or acupuncture in that jurisdiction by credentials examination.

**SECTION 12.** Section 73-71-23, Mississippi Code of 1972, is reenacted as follows:

73-71-23. (1) The board shall establish, by regulation, mandatory continuing education requirements for acupuncture practitioners licensed in this state, including the following:

(a) Each person licensed under this chapter, whether or not residing within the state, shall complete thirty (30)



hours of continuing education within each biennial renewal period, except during the initial biennial renewal period; and

(b) Each person not obtaining the required number of hours of continuing education may have his or her license renewed for just cause, as determined by the board, so long as the board requires that the deficient hours of continuing education, and all unpaid fees, are made up during the following renewal period in addition to the current continuing education requirements for the renewal period. If any acupuncture practitioner fails to make up the deficient hours and complete the later renewal period, or fails to make up any unpaid fees, then his or her license shall not be renewed until all fees are paid and all of the required hours are completed and documented to the board.

(2) The board shall establish by regulation education standards and record keeping requirements for continuing education providers. A provider of continuing education courses shall apply to the board for approval to offer continuing education courses for credit toward this requirement on a form developed by the board, shall pay a fee covering the cost of approval and for monitoring of the provider by the board. Institutions, associations and individuals providing continuing education shall maintain records of attendance, including sign-in sheets, for a period of three (3) years.

**SECTION 13.** Section 73-71-25, Mississippi Code of 1972, is reenacted as follows:

73-71-25. (1) The board shall establish standards for approval of schools and colleges offering education and training in the practice of acupuncture.

(2) Before approval of an institute of acupuncture, the board shall determine that the institute meets standards of professional education. These standards shall provide that the institute:

(a) Require, as a prerequisite to graduation, a program of study of at least two thousand five hundred (2,500) hours;

(b) Meet the minimum requirements of a board approved national accrediting body;

(c) Require participation in a carefully supervised clinical or internship program; and

(d) Confer a certificate, diploma or degree in acupuncture only after personal attendance in classes and clinics.

**SECTION 14.** Section 73-71-27, Mississippi Code of 1972, is reenacted as follows:

73-71-27. (1) Any acupuncturist validly licensed, certified or registered under prior law of this state shall be deemed as licensed under the provisions of this chapter.

(2) All acupuncturists licensed under this section shall not accept or perform professional responsibilities that the licensee knows or has reason to know that the person is not qualified by training, experience or certification to perform. Violation of this section shall subject the licensee to the revocation or suspension of his or her license. The board shall make regulations on those requirements and shall grant previously licensed, certified or registered acupuncturists qualification on a case-by-case basis.

(3) The board shall require each licensee to obtain and maintain an adequate amount of professional liability insurance and provide proof of that insurance to the board.

**SECTION 15.** Section 73-71-29, Mississippi Code of 1972, is reenacted as follows:

73-71-29. (1) Persons licensed under this chapter shall be subject to the following reporting requirements:

(a) All morbidity, mortality, infectious disease, abuse and neglect reporting requirements of this state;

(b) Reporting completion of the required continuing education study to the board with his or her license renewal;

(c) Notification of the board in writing of any change of address within thirty (30) days of the change;

(d) Notification of the board in writing of termination or temporary closing of the licensee's practice if the cessation of business is expected to be over ninety (90) days, or otherwise limit access to patient records. The licensee shall notify the board upon resuming practice; and

(e) Posting his or her license in a conspicuous location in his or her place of practice at all times.

(2) Persons licensed under this chapter shall be subject to the following record keeping requirements:

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(a) Maintenance of accurate records of each patient that he or she treats. The records shall include the name of the patient, medical history, subjective symptoms, objective findings and treatment rendered;

(b) Maintenance of patient records for a period of seven (7) years; and

(c) Maintenance of documents proving completion of required continuing education study for a period of three (3) years.

**SECTION 16.** Section 73-71-31, Mississippi Code of 1972, is reenacted as follows:

73-71-31. (1) Acupuncture practitioners shall comply with all applicable public health laws of this state.

(2) Sanitation practices shall include:

(a) Hands shall be washed with soap and water or other disinfectant between treatment of different patients;

(b) Skin in the area of penetration shall be swabbed with alcohol or other germicidal solution before inserting needles;

(c) Needles and other equipment used in the practice of acupuncture shall be sterilized before using;

(d) Needles and other hazardous waste shall be disposed of in a manner prescribed by law; and

(e) Other sanitation practices shall be observed to insure health and safety of patients, as prescribed by the board.

**SECTION 17.** Section 73-71-33, Mississippi Code of 1972, is reenacted as follows:

73-71-33. The following acts constitute grounds for which the board may initiate disciplinary actions:

(a) Attempting to obtain, or renewing a license to practice acupuncture by bribery or misinterpretation;

(b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state or territory for reasons that would preclude licensure in this state;

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a felony, or a crime of moral turpitude, or a crime that directly relates to acupuncture. For the purposes of this paragraph, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction;

(d) Advertising, practicing, or attempting to practice under a name other than one's own;

(e) The use of advertising or solicitation that is false or misleading;

(f) Aiding, assisting, procuring, employing or advertising an unlicensed person to practice acupuncture contrary to this chapter or a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon an acupuncture practitioner;

(h) Making or filing a report that the licensee knows to be false, intentionally or negligently failing to file a report required by state or federal law, willfully impeding or obstructing that filing or inducing another person to do so. Those reports shall include only those that are signed in the capacity of an acupuncture practitioner;

(i) Exercising coercion, intimidation or undue influence in entering into sexual relations with a patient, or continuing the patient-practitioner relationship with a patient with whom the licensee has sexual relations, if those sexual relations cause the licensee to perform services incompetently. This paragraph shall not apply to sexual relations between acupuncture practitioners and their spouses;

(j) Making deceptive, untrue or fraudulent misrepresentations in the practice of acupuncture;

(k) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation or undue influence, or a form of overreaching conduct;

(l) Failing to keep written medical records justifying the course of treatment of the patient;

(m) Exercising undue influence on the patient to exploit the patient for financial gain of the licensee or of a third party;



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(n) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or intemperate use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;

(o) Malpractice or the failure to practice acupuncture to that level of care, skill and treatment that is recognized by a reasonably prudent similar practitioner of acupuncture as being acceptable under similar conditions and circumstances;

(p) Practicing or offering to practice beyond the scope permitted by law or accepting or performing professional responsibilities that the licensee knows or has reason to know that he or she is not qualified by training, experience or certification to perform;

(q) Delegating professional responsibilities to a person when the licensee delegating those responsibilities knows, or has reason to know, that the person is not qualified by training, experience or licensure to perform them;

(r) Violating any provision of this chapter, a rule of the board, or a lawful order of the board previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board;

(s) Conspiring with another to commit an act, or committing an act, that coerces, intimidates or precludes another licensee from lawfully advertising or providing his or her services;

(t) Fraud or deceit, or gross negligence, incompetence or misconduct in the operation of a course of study;

(u) Failing to comply with state, county or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious disease;

(v) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, sterilization of equipment and the disposal of potentially infectious materials;

(w) Incompetence, gross negligence or other malpractice in the practice of acupuncture;

(x) Aiding the unlawful practice of acupuncture;



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(y) Fraud or dishonesty in the application or reporting of any test for disease;

(z) Failure to report, as required by law, or making false or misleading report of, any contagious or infectious disease;

(aa) Failure to keep accurate patient records; or

(bb) Failure to permit the board or its agents to enter and inspect acupuncture premises and equipment as set by rules promulgated by the board.

**SECTION 18.** Section 73-71-35, Mississippi Code of 1972, is reenacted as follows:

73-71-35. (1) Disciplinary proceedings under this chapter shall be conducted in the same manner as other disciplinary proceedings are conducted by the State Board of Medical Licensure.

(2) When the board finds any person guilty of any of the acts set forth in Section 73-71-33, it may then enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the board an application for licensure;

(b) Revocation or suspension of a license;

(c) Restriction of practice;

(d) Imposition of an administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate offense;

(e) Issuance of a reprimand;

(f) Placement of the acupuncture practitioner on probation for a period of time and subject to the conditions as the board may specify.

(3) In enforcing this chapter, upon finding of the board that probable cause exists to believe that the licensee is unable to serve as an acupuncture practitioner because of committing any of the acts set forth in Section 73-71-33 or any of the crimes set forth in Section 73-71-37, the board shall have to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the board. If the licensee refuses to comply with the order, the board's order directing the examination may be enforced by filing a petition for enforcement in any court

of competent jurisdiction. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public unless the licensee stipulates otherwise. The board shall be entitled to the summary procedure provided in applicable state law. An acupuncture practitioner affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety of the patients. In any proceeding under this subsection, neither the record of proceedings nor the orders entered by the board shall be used against the acupuncture practitioner in any other proceeding.

(4) The board shall not reinstate the license of an acupuncture practitioner, or cause a license to be issued to a person it has deemed to be unqualified, until such time as the board is satisfied that he or she has complied with all the terms and conditions set forth in the final order and that he or she is capable of safely engaging in the practice of acupuncture.

**SECTION 19.** Section 73-71-37, Mississippi Code of 1972, is reenacted as follows:

73-71-37. (1) It is unlawful for any person to:

(a) Hold himself or herself out as an acupuncture practitioner unless licensed as provided in this chapter;

(b) Practice acupuncture, or attempt to practice acupuncture, without an active license or as otherwise permitted by board rule established under the authority of this chapter;

(c) Obtain, or attempt to obtain, a license to practice acupuncture by fraud or misrepresentation; or

(d) Permit an employed person to engage in the practice of acupuncture unless the person holds an active license as a practitioner of acupuncture, except as provided by this chapter.

(2) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than six (6) months, or both.

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**SECTION 20.** Section 73-71-39, Mississippi Code of 1972, is reenacted as follows:

73-71-39. (1) The board shall establish a program of care, counseling or treatment for impaired acupuncturists.

(2) The program of care, counseling or treatment shall include a written schedule of organized treatment, care, counseling, activities or education satisfactory to the board designed for the purposes of restoring an impaired person to a condition by which the impaired person can practice acupuncture with reasonable skill and safety of a sufficient degree to deliver competent patient care.

(3) All persons authorized to practice by the board shall report in good faith any acupuncturist they reasonably believe to be an impaired practitioner as defined in Section 73-71-5.

**SECTION 21.** Section 73-71-41, Mississippi Code of 1972, is reenacted as follows:

73-71-41. (1) No licensed acupuncturist shall disclose any information concerning the licensed acupuncturist's care of a patient except on written authorization or by waiver by the licensed acupuncturist's patient or by court order, by subpoena, or as otherwise provided in this section.

(2) Any licensed acupuncturist releasing information under written authorization or other waiver by the patient or under court order, by subpoena, or as otherwise provided by this section shall not be liable to the patient or any other person.

(3) The privilege provided by this section shall be waived to the extent that the licensed acupuncturist's patient places the licensed acupuncturist's care and treatment of the patient or the nature and extent of injuries to the patient at issue in any civil criminal proceeding.

**SECTION 22.** Section 73-71-43, Mississippi Code of 1972, is reenacted as follows:

73-71-43. Each licensee shall be required to pay biennial license renewal fees and meet continuing education requirements as provided in this chapter.

**SECTION 23.** Section 73-71-45, Mississippi Code of 1972, is reenacted as follows:

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73-71-45. (1) A license that has expired may be renewed at any time within ninety (90) days after its expiration upon filing of an application for renewal on a form provided by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is not renewed within ninety (90) days after its expiration, the acupuncture practitioner, as a condition precedent to renewal, shall pay the renewal fees plus a late fee to be set by the board.

(2) A person who fails to renew his or her license within four (4) years after its expiration may not renew that license, and it may not be restored, reissued or reinstated after that time; but that person may apply for and obtain a new license if he or she meets the following requirements:

(a) Takes and passes a suitable examination, or demonstrates continued practice and continuing education acceptable to the board; and

(b) Pays all fees that would be required if an initial application for licensure were being made.

**SECTION 24.** Section 73-71-47, Mississippi Code of 1972, is reenacted as follows:

73-71-47. At any time while a license is valid, or expired but not lapsed, the licensee may request that his or her license be placed on inactive status. While on inactive status, the licensee is not subject to fees or continuing education requirements. As a condition of reinstatement, the licensee must satisfy the following requirements:

(a) Demonstrate that he or she has not committed any acts or crimes constituting grounds for denial of licensure under any provisions of this chapter;

(b) Pay fees to reactivate status as designated by the board;

(c) Meet continuing education requirements equivalent to those that would have been met in the preceding two (2) years; and

(d) Establish to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to practice as an acupuncture practitioner.

**SECTION 25.** Section 73-71-49, Mississippi Code of 1972, is reenacted as follows:



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73-71-49. (1) A suspended license is subject to expiration and shall be renewed as provided in this act, but while the license remains suspended, and until it is reinstated, the renewal does not entitle the practice of acupuncture, or any other activity or conduct in violation of the order of the board by which the license was suspended.

(2) A revoked license is subject to expiration as provided in this chapter but it may not be renewed. If it is reinstated after its expiration, the former licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal fee date, if any, accrued at the time of its expiration.

**SECTION 26.** Section 73-71-51, Mississippi Code of 1972, is reenacted as follows:

73-71-51. (1) The board may charge reasonable fees for the following:

(a) Initial application fee for licensing;

(b) Written and practical examination not including the cost of the nationally recognized examination;

(c) Biennial licensing renewal for acupuncture practitioners;

(d) Late renewal more than thirty (30) days, but not later than one (1) year, after expiration of a license, which late fee is in addition to any other fees;

(e) Reciprocal licensing fee;

(f) Annual continuing education provider registration fee; and

(g) Any and all fees to cover reasonable and necessary administrative expenses as established by the Council of Advisors in Acupuncture.

(2) All fees shall be set forth in regulations duly adopted by the board.

(3) All fees and other funds collected under this chapter shall be deposited into the special fund of the State Board of Medical Licensure.

**SECTION 27.** Section 73-71-53, Mississippi Code of 1972, is amended as follows:



**2013 GENERAL LAWS OF MISSISSIPPI HB 1162**

73-71-53. Sections 73-71-1 through 73-71-51 shall stand repealed on July 1, \* \* \* 2017.

**SECTION 28.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1169**

**Description:** Group purchasing programs by certain public hospitals and regional mental health centers; extend repealer on authority to participate in.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 444

**History of Actions:**

1	01/21	(H)	Referred To Public Health and Human Services
2	01/31	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/19	(S)	Referred To Public Health and Welfare; Accountability, Efficiency, Transparency
6	02/27	(S)	DR - TSDP: PH To AC
7	02/28	(S)	Title Suff Do Pass
8	03/13	(S)	Passed {Vote}
9	03/14	(S)	Transmitted To House
10	03/18	(H)	Enrolled Bill Signed
11	03/19	(S)	Enrolled Bill Signed
12	03/25		Approved by Governor

**Code Section:** A 031-0007-0038

**----- Additional Information -----**

**House Committee:** Public Health and Human Services

**Senate Committee:** Public Health and Welfare, Accountability, Efficiency, Transparency

**Principal Author:** Formby

**Additional Authors:** Scott

**Title:** AN ACT TO AMEND SECTION 31-7-38, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT AUTHORIZES PARTICIPATION IN GROUP PURCHASING PROGRAMS BY CERTAIN PUBLIC

**HOSPITALS AND REGIONAL MENTAL HEALTH CENTERS; AND FOR RELATED PURPOSES.**

2013 GENERAL LAWS OF MISSISSIPPI HB 1169

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representatives Formby, Scott

**House Bill 1169**

(As Sent to Governor)

AN ACT TO AMEND SECTION 31-7-38, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT AUTHORIZES PARTICIPATION IN GROUP PURCHASING PROGRAMS BY CERTAIN PUBLIC HOSPITALS AND REGIONAL MENTAL HEALTH CENTERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 31-7-38, Mississippi Code of 1972, is amended as follows:

31-7-38. The board of trustees or governing board of any hospital or regional mental health center owned or owned and operated separately or jointly by the State of Mississippi or any of its branches, agencies, departments or subdivisions, or by one or more counties, cities, towns, supervisors districts or election districts, or combinations thereof, may authorize by resolution the organization and operation of, or the participation in, a group purchasing program with other hospitals or regional mental health centers, for the purchase of supplies, commodities and equipment when it appears to the board of trustees or governing board that such a group purchasing program could or would affect economy or efficiency in their operations. Purchases by hospitals or regional mental health centers participating in group purchasing programs of supplies, commodities and equipment through such programs shall be exempt from the provisions of Sections 31-7-9, 31-7-10, 31-7-11, 31-7-12 and 31-7-13. This section shall stand repealed on July 1, \* \* \* 2016.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1212**

**Description:** Law enforcement; provide for electronic citations for certain offenses.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 472

**History of Actions:**

1	01/21	(H)	Referred To Judiciary A
2	02/04	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/07	(H)	Motion to Reconsider Entered (Bounds, Baker, Reynolds)
6	02/12	(H)	Motion to Reconsider Tabled
7	02/13	(H)	Transmitted To Senate
8	02/15	(S)	Referred To Judiciary, Division B
9	03/05	(S)	Title Suff Do Pass
10	03/07	(S)	Failed {Vote}
11	03/08	(S)	Motion to Reconsider Entered
12	03/14	(S)	Reconsidered {Vote}
13	03/14	(S)	Amended
14	03/14	(S)	Passed As Amended {Vote}
15	03/15	(S)	Returned For Concurrence
16	03/18	(H)	Concurred in Amend From Senate {Vote}
17	03/20	(H)	Enrolled Bill Signed
18	03/20	(S)	Enrolled Bill Signed
19	03/27		Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1212

**Code Section:** A 063-0009-0021



----- Additional Information -----

*House Committee:* Judiciary A

*Senate Committee:* Judiciary, Division B

*Principal Author:* Lamar

*Title:* AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHENTICITY OF AN ELECTRONIC CITATION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1212

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary A

By: Representative Lamar

**House Bill 1212**

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHENTICITY OF AN ELECTRONIC CITATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-9-21, Mississippi Code of 1972, is amended as follows:

63-9-21. (1) This section shall be known as the Uniform Traffic Ticket Law.

(2) All traffic tickets, except traffic tickets filed electronically as provided under subsection (8) of this section, shall be printed in the original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety. All traffic tickets shall be uniform as prescribed by the Commissioner of Public Safety and the Attorney General, except as otherwise provided in subsection (3)(b) and except that the Commissioner of Public Safety and the Attorney General may alter the form and content of traffic tickets to meet the varying requirements of the different law enforcement agencies. The Commissioner of Public Safety and the Attorney General shall prescribe a separate traffic ticket, consistent with the provisions of subsection (3)(b) of this section, to be used exclusively for violations of the Mississippi Implied Consent Law.

(3) (a) Every traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or uniform implied consent violation ticket consisting of an original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety.

(b) The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied

Consent Law shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.

(c) Every traffic ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.

(d) The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged.

(4) All traffic tickets, except traffic tickets filed electronically under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.

(5) The chancery clerk, clerk of the municipal court and the Commissioner of Public Safety shall keep a record of all traffic ticket books issued and to whom issued, accounting for all books printed and issued. All traffic tickets submitted electronically shall be filed automatically with the Commissioner of Public Safety and either the clerk of the municipal court or clerk of the justice court using the system of electronic submission for the purpose of maintaining a record of account as prescribed by this subsection (5).

(6) The original traffic ticket, unless the traffic ticket is filed electronically as provided under subsection (8) of this section, shall be delivered by the officer issuing the traffic

ticket to the clerk of the court to which it is returnable to be retained in that court's records and the number noted on the docket. However, if a ticket is issued and the person is incarcerated based upon the conduct for which the ticket was issued, the ticket shall be filed with the clerk of the court to which it is returnable no later than 5:00 p.m. on the next business day, excluding weekends and holidays, after the date and time of the person's incarceration; however, failure to timely file the traffic ticket shall not be grounds for dismissal of the traffic ticket and shall not prevent the person's release from incarceration. The officer issuing the traffic ticket shall also give the accused a copy of the traffic ticket. The clerk of the court shall file a copy with the Commissioner of Public Safety within forty-five (45) days after judgment is rendered showing such information about the judgment as may be required by the commissioner or, in cases in which no judgment has been rendered, within one hundred twenty (120) days after issuance of the ticket. Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.

(7) Failure to comply with the provisions of this section shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

(8) (a) Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law, by computer or electronic means if the ticket conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3)(b) of this section. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.

(b) The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket electronically shall be considered to have certified, signed and sworn to the ticket and has the same rights, responsibilities

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1212

and liabilities as with all other tickets issued pursuant to this section.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 1243**

**Description:** State agencies; require to provide legislative update section on their websites.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 453

**History of Actions:**

1	01/21	(H)	Referred To S.C. Accountblty/Efficiency/ Transparency
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/11	(H)	Transmitted To Senate
6	02/15	(S)	Referred To Accountability, Efficiency, Transparency
7	02/28	(S)	Title Suff Do Pass As Amended
8	03/11	(S)	Amended
9	03/11	(S)	Passed As Amended {Vote}
10	03/12	(S)	Returned For Concurrence
11	03/14	(H)	Concurred in Amend From Senate {Vote}
12	03/18	(H)	Enrolled Bill Signed
13	03/19	(S)	Enrolled Bill Signed
14	03/25		Approved by Governor

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1243

**----- Additional Information -----**

**House Committee:** S.C. Accountblty/Efficiency/Transparency

**Senate Committee:** Accountability, Efficiency, Transparency

**Principal Author:** Dixon

**Additional Authors:** Scott, Crawford

***Title:*** AN ACT TO REQUIRE STATE AGENCIES AND DEPARTMENTS TO INCLUDE ON THEIR INTERNET WEBSITES A SEPARATE SECTION THAT PROVIDES A LEGISLATIVE UPDATE ON ANY LEGISLATION ENACTED AT THE LEGISLATIVE SESSION THAT REVISES THE POWERS AND DUTIES OF THE AGENCY OR DEPARTMENT, WITHIN SIXTY DAYS AFTER THE END OF THE LEGISLATIVE SESSION; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1243

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: S.C. Accountblty/Efficiency/Transparency

By: Representatives Dixon, Scott, Crawford

### House Bill 1243

(As Sent to Governor)

AN ACT TO REQUIRE STATE AGENCIES AND DEPARTMENTS TO INCLUDE ON THEIR INTERNET WEBSITES A SEPARATE SECTION THAT PROVIDES A LEGISLATIVE UPDATE ON ANY LEGISLATION ENACTED AT THE LEGISLATIVE SESSION THAT REVISES THE POWERS AND DUTIES OF THE AGENCY OR DEPARTMENT, WITHIN SIXTY DAYS AFTER THE END OF THE LEGISLATIVE SESSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Within sixty (60) days after the end of each regular session of the Legislature, each agency or department of the State of Mississippi shall include on the Internet website of the agency or department a separate section that provides a legislative update on any legislation enacted at the legislative session that revises the powers and duties of the agency or department. The agency or department shall include a link to the legislative update section on the home page of the website. The legislative update section shall contain a summary of the revisions made to the powers and duties of the agency or department by the legislation, and a contact section or link so that members of the public may comment on or ask questions about the revisions or the effect of the revisions in the legislation. The legislative update section shall remain on the website of the agency or department until January 1st of the following year.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1258**

**Description:** Public property; authorize Transportation Commission to donate certain to City of Canton and revise state highway system accordingly.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Two/Thirds

*Effective date:* July 1, 2013

*Chapter Number:* 427

**History of Actions:**

- 1 01/21 (H) Referred To Transportation
- 2 02/05 (H) Title Suff Do Pass
- 3 02/13 (H) Passed {Vote}
- 4 02/14 (H) Transmitted To Senate
- 5 02/15 (S) Referred To Highways and Transportation;

**Public Property**

- 6 02/28 (S) DR - TSDP: HI To PP
- 7 03/04 (S) Title Suff Do Pass
- 8 03/12 (S) Passed {Vote}
- 9 03/13 (S) Transmitted To House
- 10 03/15 (H) Enrolled Bill Signed
- 11 03/15 (S) Enrolled Bill Signed
- 12 03/21 Approved by Governor

**----- Additional Information -----**

**House Committee:** Transportation

**Senate Committee:** Highways and Transportation, Public Property

**Principal Author:** Johnson

**Title:** AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO TRANSFER AND CONVEY BY MODE OF DONATION TO THE CITY OF CANTON, MISSISSIPPI, ALL OF THE RIGHTS, TITLE AND INTEREST IN CERTAIN REAL PROPERTY LOCATED IN MADISON COUNTY, MISSISSIPPI; TO DELETE A SEGMENT OF MISSISSIPPI 16 BETWEEN U.S. 51 AND MISSISSIPPI 43 IN THE CITY OF CANTON FROM THE STATE HIGHWAY SYSTEM AND RETURN

IT TO THE JURISDICTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CANTON; TO ADD A CERTAIN SEGMENT OF NEWLY CONSTRUCTED HIGHWAY BETWEEN U.S. 51 AND MISSISSIPPI 43 IN THE CITY OF CANTON TO THE STATE HIGHWAY SYSTEM TO BE DESIGNATED AS A PART OF MISSISSIPPI 16 IN MADISON COUNTY; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 1258

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation

By: Representative Johnson

**House Bill 1258**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO TRANSFER AND CONVEY BY MODE OF DONATION TO THE CITY OF CANTON, MISSISSIPPI, ALL OF THE RIGHTS, TITLE AND INTEREST IN CERTAIN REAL PROPERTY LOCATED IN MADISON COUNTY, MISSISSIPPI; TO DELETE A SEGMENT OF MISSISSIPPI 16 BETWEEN U.S. 51 AND MISSISSIPPI 43 IN THE CITY OF CANTON FROM THE STATE HIGHWAY SYSTEM AND RETURN IT TO THE JURISDICTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CANTON; TO ADD A CERTAIN SEGMENT OF NEWLY CONSTRUCTED HIGHWAY BETWEEN U.S. 51 AND MISSISSIPPI 43 IN THE CITY OF CANTON TO THE STATE HIGHWAY SYSTEM TO BE DESIGNATED AS A PART OF MISSISSIPPI 16 IN MADISON COUNTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The Mississippi Transportation Commission may transfer and convey by mode of donation to the City of Canton, Mississippi, all of the rights, title and interest in certain real property located within Madison County, Mississippi, the property being more particularly described as follows:

**PARCEL A**

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD83(93), grid values, using a scale factor of 0.99996016 and a delta-alpha angle of positive (+) 000 09' 39" as determined specifically for the Mississippi State Highway No. 16 project, more specifically identified as Mississippi Department of Transportation Project Number STP-0024-02(024).

**Parcel One:**

Commencing at a found 1/2 inch rebar marking the Southeast corner of Lot 41, Block "A" of Winter Haven as recorded in Plat Book 2, Page 5 in the Chancery Clerk's Office of Madison County, defined by state plane coordinates of N 1132305.15, E 2392455.39 on the above referenced coordinate system. From

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1258

said Point of Commencement run West for a distance of 3,425.23 feet to a point; thence run North for a distance of 0.78 feet to a point defined by state plane coordinates of N 1132305.92, E 2389030.16 and being located 30.00 feet left of and measured perpendicularly to the centerline of construction of the above mentioned Mississippi State Highway No. 16 project at station 105+5 1.16, said point also being the POINT OF BEGINNING;

From said POINT OF BEGINNING and along the North right-of-way line of said project, run South 89° 39' 19" West, 10.00 feet to a point being 30.00 feet left of and measured perpendicularly to said centerline of construction at station 105+41.16;

Thence leaving said North right-of-way line, run North 00° 29' 09" West, 10.00 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 105+41.14;

Thence along a line parallel with the North right-of-way line of said project, run North 89° 39' 19" East, 10.02 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 105+51.16;

Thence run South 000 20' 41" East, 10.00 feet to the POINT OF BEGINNING, containing 0.002 acres, (100 square feet), more or less.

### **Parcel Two:**

Commencing at a found 1/2 inch rebar marking the Southeast corner of Lot 41, Block "A" of Winter Haven as recorded in Plat Book 2, Page 5 in the Chancery Clerk's Office of Madison County, defined by state plane coordinates of N 1132305.15, B 2392455.39 on the above referenced coordinate system. From said Point of Commencement run West for a distance of 3,291.39 feet to a point; thence run North for a distance of 1.58 feet to a point defined by state plane coordinates of N 1132306.73, E 2389164.00 and being located 30.00 feet left of and measured perpendicularly to the centerline of construction of the above mentioned Mississippi State Highway No. 16 project at station 106+85.00, said point also being the POINT OF BEGINNING;

From said POINT OF BEGINNING and along the North right-of-way line of said project, run South 89° 39' 19" West, 10.00 feet to a point being 30.00 feet left of and measured perpendicularly to said centerline of construction at station 106+75.00;

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1258

Thence leaving said North right-of-way line, run North  $00^{\circ} 20' 41''$  West, 10.00 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 106+75.00;

Thence along a line parallel with the North right-of-way line of said project, run North  $89^{\circ} 39' 19''$  East, 10.00 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 106+85.00;

Thence run South  $00^{\circ} 20' 41''$  East, 10.00 feet to the POINT OF BEGINNING, containing 0.002 acres, (100 square feet), more or less.

### **PARCEL B**

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD83(93), grid values, using a scale factor of 0.99996016 and a delta-alpha angle of positive (+)  $000^{\circ} 09' 39''$  as determined specifically for the Mississippi State Highway No. 16 project, more specifically identified as Mississippi Department of Transportation Project Number STP-0024-02(024).

Commencing at a found  $1/2$  inch rebar marking the Southeast corner of Lot 41, Block "A" of Winter Haven as recorded in Plat Book 2, Page 5 in the Chancery Clerk's Office of Madison County, defined by state plane coordinates of N 1132305.15, E 2392455.39 on the above referenced coordinate system. From said Point of Commencement run West for a distance of 3,046.40 feet to a point; thence run North for a distance of 3.05 feet to a point defined by state plane coordinates of N 1132308.20, E 2389408.99 and being located 30.00 feet left of and measured perpendicularly to the centerline of construction of the above mentioned Mississippi State Highway No. 16 project at station 109+30.00, said point also being the POINT OF BEGINNING;

From said POINT OF BEGINNING and along the North right-of-way line of said project, run South  $89^{\circ} 39' 19''$  West, 10.00 feet to a point being 30.00 feet left of and measured perpendicularly to said centerline of construction at station 109+20.00;

Thence leaving said North right-of-way line, run North  $00^{\circ} 20' 41''$  West, 10.00 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 109+20.00;

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1258

Thence along a line parallel with the North right-of-way line of said project, run North 89° 39' 19" East, 10.00 feet to a point being 40.00 feet left of and measured perpendicularly to said centerline of construction at station 109+30.00;

Thence run South 00° 20' 41" East, 10.00 feet to the POINT OF BEGINNING, containing 0.002 acres, (100 square feet), more or less.

(2) The State of Mississippi shall retain all mineral rights in the property transferred and conveyed by mode of donation under subsection (1) of this section.

**SECTION 2.** The following segment of highway is deleted from the state highway system, removed from the jurisdiction of the Mississippi Transportation Commission and returned to the jurisdiction of the Mayor and Board of Aldermen of the City of Canton, Madison County, Mississippi:

### **Central District - Madison County:**

Mississippi 16 beginning at its intersection with U.S. 51 and extending easterly to its intersection with U.S. 43 on the east side of the City of Canton.

**SECTION 3.** (1) The following segment of highway is designated as a state highway and placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance; and such highway, together with the highways designated in Section 65-3-3, and all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

### **Central District - Madison County:**

That segment of newly constructed highway extending from U.S. 51 and extending easterly to its intersection with U.S. 43 (MDOT Project NCPD-6993-00(001)/104137-301000), on the east side of the City of Canton, which shall be designated as a part of Mississippi 16.

(2) The Mississippi Transportation Commission shall take over and assume responsibility for construction and maintenance of the segment of highway described in subsection (1).

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 1259**

**Description:** Child abuse; revise elements of felony offense of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 483

**History of Actions:**

- 1 01/21 (H) Referred To Judiciary B
- 2 01/31 (H) Title Suff Do Pass Comm Sub
- 3 02/12 (H) Committee Substitute Adopted
- 4 02/12 (H) Amended
- 5 02/12 (H) Passed As Amended {Vote}
- 6 02/14 (H) Transmitted To Senate
- 7 02/15 (S) Referred To Judiciary, Division B
- 8 03/05 (S) Title Suff Do Pass As Amended
- 9 03/12 (S) Amended
- 10 03/12 (S) Passed As Amended {Vote}
- 11 03/13 (S) Returned For Concurrence
- 12 03/20 (H) Concurred in Amend From Senate {Vote}
- 13 03/22 (H) Enrolled Bill Signed
- 14 03/22 (S) Enrolled Bill Signed
- 15 04/01 Approved by Governor

**Amendments:**

[H] Amendment No 1 (Cmte Sub) **Adopted** Voice Vote

[S] Committee Amendment No 1 **Adopted** Voice Vote

Amendment Report for House Bill No. 1259

**Code Section:** A 097-0005-0039

**----- Additional Information -----**

**House Committee:** Judiciary B

**Senate Committee:** Judiciary, Division B

**Principal Author:** White



*Additional Authors:* Crawford

**Title:** AN ACT TO BE KNOWN AS THE LONNIE SMITH ACT; TO AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS OF THE OFFENSE OF FELONIOUS CHILD ABUSE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1259

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives White, Crawford

**House Bill 1259**

(As Sent to Governor)

AN ACT TO BE KNOWN AS THE LONNIE SMITH ACT; TO AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS OF THE OFFENSE OF FELONIOUS CHILD ABUSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 97-5-39, Mississippi Code of 1972, is amended as follows:

97-5-39. (1) (a) Except as otherwise provided in this section, any parent, guardian or other person who\* \* \* intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law, or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.

(b) For the purpose of this section, a child is a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services, or who is married, is not considered a child for the purposes of this statute.

(c) If a child commits one (1) of the proscribed acts in subsection (2) (a), (b) or (c) of this section upon another

child, then original jurisdiction of all such offenses shall be in youth court.

(\* \* \* d) If the child's deprivation of necessary\* \* \* clothing, shelter, health care or supervision appropriate to the child's age results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment in custody of the Department of Corrections for not more than five (5) years or to payment of a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

(\* \* \* e) A parent, legal guardian or other person who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment in the custody of the Department of Corrections for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

(2)\* \* \* Any person\* \* \* shall\* \* \* be guilty of felonious child abuse in the following circumstances:

(a) Whether bodily harm results or not, if the person shall intentionally, knowingly or recklessly:

(i) Burn any child\* \* \*;

(ii) Physically torture any child\* \* \*;

(iii)\* \* \* Strangle, choke, smother or in any way interfere with any child's breathing;

(iv) Poison a child;

(v) Starve a child of nourishments needed to sustain life or growth;

(vi) Use any type of deadly weapon upon any child;

(b)\* \* \* If some bodily harm to any child actually occurs, and if the person shall intentionally, knowingly, or recklessly:

(i) Throw, kick, bite, or cut any child;

(ii) Strike a child under the age of fourteen (14) about the face or head with a closed fist;

(iii) Strike a child under the age of five (5) in the face or head;

(iv) Kick, bite, cut or strike a child's genitals; circumcision of a male child is not a violation under this subparagraph (iv);

(c) If serious bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:

(i) Strike any child on the face or head;

(ii) Disfigure or scar any child;

(iii) Whip, strike, or otherwise abuse any child;

(d) Any person, upon conviction under paragraph (a) or (c) of this subsection, shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and up to life, as determined by the court. Any person, upon conviction under paragraph (b) of this subsection shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, as determined by the court. For any second or subsequent conviction under this subsection (2), the person shall be sentenced to imprisonment for life.

(e) For the purposes of this subsection (2), "bodily harm" means any bodily injury to a child and includes, but is not limited to, bruising, bleeding, lacerations, soft tissue swelling, and external or internal swelling of any body organ.

(f) For the purposes of this subsection (2), "serious bodily harm" means any serious bodily injury to a child and includes, but is not limited to, the fracture of a bone, permanent disfigurement, permanent scarring, or any internal bleeding or internal trauma to any organ, any brain damage, any injury to the eye or ear of a child or other vital organ, and impairment of any bodily function.

(g) Nothing contained in paragraph (c) of this subsection shall preclude a parent or guardian from disciplining a child of that parent or guardian, or shall preclude a person in loco parentis to a child from disciplining that child, if done in a reasonable manner, and reasonable corporal punishment or reasonable discipline as to that parent or guardian's child or child to whom a person stands in loco parentis shall be a defense to any violation charged under paragraph (c) of this subsection.



(h) Reasonable discipline and reasonable corporal punishment shall not be a defense to acts described in paragraphs (a) and (b) of this subsection or if a child suffers serious bodily harm as a result of any act prohibited under paragraph (c) of this subsection.

\* \* \*

(3) Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.

(\* \* \* 4) (\* \* \* a) A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section 41-29-139 or 41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

(\* \* \* b) If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both.

(\* \* \* 5) Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.

(\* \* \* 6) After consultation with the Department of Human Services, a regional mental health center or an appropriate professional person, a judge may suspend imposition or execution of a sentence provided in subsections (1) and (2) of this section and in lieu thereof require treatment over a specified period of time at any approved public or private



treatment facility. A person may be eligible for treatment in lieu of criminal penalties no more than one (1) time.

(\* \* \* 7) In any proceeding resulting from a report made pursuant to Section 43-21-353 of the Youth Court Law, the testimony of the physician making the report regarding the child's injuries or condition or cause thereof shall not be excluded on the ground that the physician's testimony violates the physician-patient privilege or similar privilege or rule against disclosure. The physician's report shall not be considered as evidence unless introduced as an exhibit to his testimony.

(\* \* \* 8) Any criminal prosecution arising from a violation of this section shall be tried in the circuit, county, justice or municipal court having jurisdiction; provided, however, that nothing herein shall abridge or dilute the contempt powers of the youth court.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1260**

**Description:** Wild hog control; add to the beaver control program and revise composition and change nomenclature of the advisory board.

**Fiscal Note:** No fiscal note conducted .

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 440

**History of Actions:**

- 1 01/21 (H) Referred To Wildlife, Fisheries and Parks
- 2 01/31 (H) Title Suff Do Pass
- 3 02/07 (H) Passed {Vote}
- 4 02/08 (H) Transmitted To Senate
- 5 02/13 (S) Referred To Wildlife, Fisheries and Parks
- 6 02/20 (S) Title Suff Do Pass
- 7 03/07 (S) Amended
- 8 03/07 (S) Passed As Amended {Vote}
- 9 03/08 (S) Returned For Concurrence
- 10 03/12 (H) Concurred in Amend From Senate {Vote}
- 11 03/18 (H) Enrolled Bill Signed
- 12 03/19 (S) Enrolled Bill Signed
- 13 03/25 Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1260

**Code Section:** A 049-0007-0201, A 049-0007-0203

**----- Additional Information -----**

**House Committee:** Wildlife, Fisheries and Parks

**Senate Committee:** Wildlife, Fisheries and Parks

**Principal Author:** Bounds

**Additional Authors:** Morgan, Bennett

**Title:** AN ACT TO AMEND SECTIONS 49-7-201 AND 49-7-203, MISSISSIPPI CODE OF 1972, TO ADD THE CONTROL OR ERADICATION OF WILD HOGS TO THE BEAVER CONTROL PROGRAM; TO PROVIDE THAT STATE FUNDS MAY BE EXPENDED FOR WILD HOG CONTROL ONLY BY A SPECIFIC LINE-ITEM APPROPRIATION BY THE LEGISLATURE FOR THAT PURPOSE; TO REVISE THE COMPOSITION OF THE BEAVER CONTROL ADVISORY BOARD, TO ADD THE CHAIRMEN OF THE HOUSE AND SENATE AGRICULTURE COMMITTEES AS NONVOTING MEMBERS; TO CHANGE THE NOMENCLATURE OF THE BOARD TO THE BEAVER AND WILD HOG CONTROL ADVISORY BOARD; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1260

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks

By: Representatives Bounds, Morgan, Bennett

**House Bill 1260**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 49-7-201 AND 49-7-203, MISSISSIPPI CODE OF 1972, TO ADD THE CONTROL OR ERADICATION OF WILD HOGS TO THE BEAVER CONTROL PROGRAM; TO PROVIDE THAT STATE FUNDS MAY BE EXPENDED FOR WILD HOG CONTROL ONLY BY A SPECIFIC LINE-ITEM APPROPRIATION BY THE LEGISLATURE FOR THAT PURPOSE; TO REVISE THE COMPOSITION OF THE BEAVER CONTROL ADVISORY BOARD, TO ADD THE CHAIRMEN OF THE HOUSE AND SENATE AGRICULTURE COMMITTEES AS NONVOTING MEMBERS; TO CHANGE THE NOMENCLATURE OF THE BOARD TO THE BEAVER AND WILD HOG CONTROL ADVISORY BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-7-201, Mississippi Code of 1972, is amended as follows:

49-7-201. (1) There is established a beaver and wild hog control program which shall be developed by the Beaver and Wild Hog Control Advisory Board created in Section 49-7-203 and administered by the Mississippi Department of Agriculture and Commerce with the advice of the board or administered by a federal agency or agencies under an agreement with the board for that purpose. The program shall be limited to the control or eradication of beavers and wild hogs only on private lands or public lands, excluding federally owned lands but including lands whereupon easements are granted to a federal entity. The board may employ any personnel as is necessary to implement its duties to administer the program and set the salary of the personnel subject to State Personnel Board guidelines.

(2) Any state, local or private funds available to the board to fund the program shall be used to match federal funds available for such purpose. The board may execute any agreements with any agency of the federal government as are necessary to obtain federal matching funds to finance the beaver and wild hog control program. State funds may be

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expended for wild hog control only by a specific line-item appropriation by the Legislature for that purpose.

(3) Nonfederal funds to help finance the program may be obtained by the board from the following sources:

(a) Appropriations by the Legislature; state funds may be expended for wild hog control only by a specific line-item appropriation by the Legislature for that purpose.

(b) Contributions from participating counties;

(c) Charges on participating landowners; and/or

(d) Contributions from any other sources for such purpose.

(4) (a) Any county in the state desiring to participate in the program during its fiscal year shall contribute an amount established by the Beaver and Wild Hog Control Advisory Board for such purpose from any funds available in its general fund. The amount established by the advisory board shall be the minimum annual contribution required for a county to participate in the program. The minimum required contribution must be approved by three-fourths (3/4) of the advisory board members present and voting. In addition, a county may contribute an amount in excess of the minimum required contribution for administration of the beaver and wild hog control program in that county from any revenues available. The board shall establish the due date for the payment of contributions by counties.

(b) The sum of county contributions may be matched by nonfederal funds available to the state for the beaver and wild hog control program.

(5) Participating landowner means any person, corporation or association owning land in this state and taking part in the beaver and wild hog control program.

**SECTION 2.** Section 49-7-203, Mississippi Code of 1972, is amended as follows:

49-7-203. (1) There is created the Beaver and Wild Hog Control Advisory Board which shall be composed of the administrative heads of the Mississippi Department of Wildlife, Fisheries and Parks, State Forestry Commission, Department of Agriculture and Commerce, Mississippi Department of Transportation and Mississippi State Cooperative Extension Services, the Executive Director of the Mississippi Association of Supervisors, the



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Executive Vice President of Delta Council and the President of the Mississippi Farm Bureau Federation. In addition, the board shall include, as advisory, and nonvoting members:

(a) The Chairmen of the House and Senate Wildlife, Fisheries and Parks Committees; \* \* \*

(b) The Chairmen of the House and Senate Agriculture Committees; and

(\* \* \* c) One (1) at-large member of the House and Senate appointed by the Lieutenant Governor and Speaker of the House.

(2) The board shall elect a chairman from among its members, who shall preside over meetings.

(3) The members of the board shall serve without compensation but all members of the board shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by law.

(4) The board shall have the following duties and responsibilities:

(a) To adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business;

(b) To develop a beaver and wild hog control program to be administered by the Mississippi Department of Agriculture and Commerce or by any agency or agencies under an agreement with the board for that purpose;

(c) To designate the areas of the state having the greatest need for beaver and wild hog control or eradication and establish a list of priority areas on an annual basis;

(d) To establish, assess and collect any fees charged to participating landowners; and

(e) To function in an advisory capacity to the Mississippi Department of Agriculture and Commerce or any agency or agencies administering the beaver and wild hog control program.

(5) The board shall have the authority to develop any programs and implement any regulations and policies. The board may develop what it deems necessary to address beaver and wild hog control within the state.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1326**

**Description:** Counties, municipalities and state agencies; authorize to bear cost of processing electronic payments for retail sales.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Two/Thirds

*Effective date:* Passage

*Chapter Number:* 441

**History of Actions:**

- 1 01/21 (H) Referred To County Affairs; Municipalities
- 2 01/30 (H) DR - TSDPAA: CA To MU
- 3 01/31 (H) DR - TSDPAA: MU To CA
- 4 01/31 (H) Title Suff Do Pass As Amended
- 5 02/13 (H) Amended
- 6 02/13 (H) Passed As Amended {Vote}
- 7 02/18 (H) Transmitted To Senate
- 8 02/19 (S) Referred To Accountability, Efficiency,

**Transparency**

- 9 02/28 (S) Title Suff Do Pass As Amended
- 10 03/11 (S) Amended
- 11 03/11 (S) Passed As Amended {Vote}
- 12 03/12 (S) Returned For Concurrence
- 13 03/13 (H) Concurred in Amend From Senate {Vote}
- 14 03/18 (H) Enrolled Bill Signed
- 15 03/19 (S) Enrolled Bill Signed
- 16 03/25 Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 1326

**Code Section:** A 017-0025-0001, A 027-0104-0033

----- Additional Information -----

**2013 GENERAL LAWS OF MISSISSIPPI HB 1326**

***House Committee:*** County Affairs, Municipalities

***Senate Committee:*** Accountability, Efficiency, Transparency

***Principal Author:*** Barton

***Title:*** AN ACT TO AMEND SECTIONS 17-25-1 AND 27-104-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTIES, MUNICIPALITIES AND STATE AGENCIES MAY BEAR THE FULL COST OF PROCESSING ELECTRONIC PAYMENTS FOR RETAIL MERCHANDISE SOLD BY SUCH ENTITIES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1326

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: County Affairs; Municipalities

By: Representative Barton

**House Bill 1326**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 17-25-1 AND 27-104-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTIES, MUNICIPALITIES AND STATE AGENCIES MAY BEAR THE FULL COST OF PROCESSING ELECTRONIC PAYMENTS FOR RETAIL MERCHANDISE SOLD BY SUCH ENTITIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 17-25-1, Mississippi Code of 1972, is amended as follows:

17-25-1. The board of supervisors of any county and the governing authorities of any municipality may allow the payment of various taxes, fees and other accounts receivable to the county or municipality, and the payment for retail merchandise sold by the county or municipality, by credit cards, charge cards, debit cards and other forms of electronic payment, in accordance with policies established by the State Auditor. Except as otherwise provided in this section, any fees or charges associated with the use of such electronic payments shall be assessed to the user of the electronic payment as an additional charge for processing the electronic payment, so that the user will pay the full cost of using the electronic payment. A county or municipality may bear the full cost of processing such electronic payments for retail merchandise sold by the county or municipality.

**SECTION 2.** Section 27-104-33, Mississippi Code of 1972, is amended as follows:

27-104-33. The State Department of Finance and Administration shall establish policies that allow the payment of various fees and other accounts receivable to state agencies, and the payment for retail merchandise sold by state agencies, by credit cards, charge cards, debit cards and other forms of electronic payment in the discretion of the department. Any fees or charges associated with the use of such electronic payments shall be assessed to the user of the electronic

payment as an additional charge for processing the electronic payment, so that the user will pay the full cost of using the electronic payment.

Agencies, with the approval of the Department of Finance and Administration, may bear the full cost of processing such electronic payments if the agency can demonstrate to the department's satisfaction that they are able to assume these costs and provide the related service for the same or lesser cost. However, state agencies may bear the full cost of processing such electronic payments for retail merchandise sold by state agencies.

**SECTION 3.** This act shall take effect and be in force from and after its passage.



**Mississippi Legislature  
2013 Regular Session**

**House Bill 1441**

**Description:** Youth Court Act; add definition of “financially” able to.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 426

**History of Actions:**

1	01/21	(H)	Referred To Youth and Family Affairs; Judiciary B
2	01/31	(H)	DR - TSDP: YF To JB
3	02/05	(H)	Title Suff Do Pass
4	02/13	(H)	Read the Third Time
5	02/14	(H)	Passed {Vote}
6	02/15	(H)	Transmitted To Senate
7	02/19	(S)	Referred To Judiciary, Division B
8	03/05	(S)	Title Suff Do Pass
9	03/12	(S)	Passed {Vote}
10	03/13	(S)	Transmitted To House
11	03/15	(H)	Enrolled Bill Signed
12	03/15	(S)	Enrolled Bill Signed
13	03/21		Approved by Governor

**Code Section:** A 043-0021-0105

**----- Additional Information -----**

**House Committee:** Youth and Family Affairs, Judiciary B

**Senate Committee:** Judiciary, Division B

**Principal Author:** Hines

**Title:** AN ACT TO AMEND SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM “FINANCIALLY ABLE” IN THE YOUTH COURT ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1441

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Youth and Family Affairs; Judiciary B

By: Representative Hines

**House Bill 1441**

(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "FINANCIALLY ABLE" IN THE YOUTH COURT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 43-21-105, Mississippi Code of 1972, is amended as follows:

43-21-105. The following words and phrases, for purposes of this chapter, shall have the meanings ascribed herein unless the context clearly otherwise requires:

(a) "Youth court" means the Youth Court Division.

(b) "Judge" means the judge of the Youth Court Division.

(c) "Designee" means any person that the judge appoints to perform a duty which this chapter requires to be done by the judge or his designee. The judge may not appoint a person who is involved in law enforcement to be his designee.

(d) "Child" and "youth" are synonymous, and each means a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a "child" or "youth" for the purposes of this chapter.

(e) "Parent" means the father or mother to whom the child has been born, or the father or mother by whom the child has been legally adopted.

(f) "Guardian" means a court-appointed guardian of the person of a child.

(g) "Custodian" means any person having the present care or custody of a child whether such person be a parent or otherwise.

(h) "Legal custodian" means a court-appointed custodian of the child.

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(i) "Delinquent child" means a child who has reached his tenth birthday and who has committed a delinquent act.

(j) "Delinquent act" is any act, which if committed by an adult, is designated as a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death. A delinquent act includes escape from lawful detention and violations of the Uniform Controlled Substances Law and violent behavior.

(k) "Child in need of supervision" means a child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

(i) Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or

(ii) While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or

(iii) Runs away from home without good cause; or

(iv) Has committed a delinquent act or acts.

(l) "Neglected child" means a child:

(i) Whose parent, guardian or custodian or any person responsible for his care or support, neglects or refuses, when able so to do, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being; however, a parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or

(ii) Who is otherwise without proper care, custody, supervision or support; or

(iii) Who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having mental illness or having an intellectual disability; or

(iv) Who, for any reason, lacks the care necessary for his health, morals or well-being.

(m) "Abused child" means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused, upon the child, sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. However, physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section.

(n) "Sexual abuse" means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened.

(o) "A child in need of special care" means a child with any mental or physical illness that cannot be treated with the dispositional alternatives ordinarily available to the youth court.

(p) A "dependent child" means any child who is not a child in need of supervision, a delinquent child, an abused child or a neglected child, and which child has been voluntarily placed in the custody of the Department of Human Services by his parent, guardian or custodian.

(q) "Custody" means the physical possession of the child by any person.

(r) "Legal custody" means the legal status created by a court order which gives the legal custodian the responsibilities of physical possession of the child and the duty to provide him with food, shelter, education and reasonable medical care, all subject to residual rights and responsibilities of the parent or guardian of the person.

(s) "Detention" means the care of children in physically restrictive facilities.

(t) "Shelter" means care of children in physically nonrestrictive facilities.

(u) "Records involving children" means any of the following from which the child can be identified:

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(i) All youth court records as defined in Section 43-21-251;

(ii) All social records as defined in Section 43-21-253;

(iii) All law enforcement records as defined in Section 43-21-255;

(iv) All agency records as defined in Section 43-21-257; and

(v) All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause.

(v) "Any person responsible for care or support" means the person who is providing for the child at a given time. This term shall include, but is not limited to, stepparents, foster parents, relatives, nonlicensed baby-sitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by the Department of Human Services.

(w) The singular includes the plural, the plural the singular and the masculine the feminine when consistent with the intent of this chapter.

(x) "Out-of-home" setting means the temporary supervision or care of children by the staff of licensed day care centers, the staff of public, private and state schools, the staff of juvenile detention facilities, the staff of unlicensed residential care facilities and group homes and the staff of, or individuals representing, churches, civic or social organizations.

(y) "Durable legal custody" means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children.

(z) "Status offense" means conduct subject to adjudication by the youth court that would not be a crime if committed by an adult.



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(aa) "Financially able" means a parent or child who is ineligible for a court-appointed attorney.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1485**

**Description:** Law enforcement officers; revise trainee requirements.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 425

**History of Actions:**

- |    |       |     |                                   |
|----|-------|-----|-----------------------------------|
| 1  | 01/21 | (H) | Referred To Judiciary B           |
| 2  | 02/05 | (H) | Title Suff Do Pass                |
| 3  | 02/13 | (H) | Read the Third Time               |
| 4  | 02/14 | (H) | Passed {Vote}                     |
| 5  | 02/15 | (H) | Transmitted To Senate             |
| 6  | 02/19 | (S) | Referred To Judiciary, Division B |
| 7  | 03/05 | (S) | Title Suff Do Pass                |
| 8  | 03/12 | (S) | Passed {Vote}                     |
| 9  | 03/13 | (S) | Transmitted To House              |
| 10 | 03/15 | (H) | Enrolled Bill Signed              |
| 11 | 03/15 | (S) | Enrolled Bill Signed              |
| 12 | 03/21 |     | Approved by Governor              |

**Code Section:** A 045-0006-0011

**----- Additional Information -----**

**House Committee:** Judiciary B

**Senate Committee:** Judiciary, Division B

**Principal Author:** Bain

**Title:** AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO REVISE LAW ENFORCEMENT TRAINEE REQUIREMENTS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1485

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representative Bain

**House Bill 1485**

(As Sent to Governor)

AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO REVISE LAW ENFORCEMENT TRAINEE REQUIREMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 45-6-11, Mississippi Code of 1972, is amended as follows:

45-6-11. (1) Law enforcement officers already serving under permanent appointment on July 1, 1981, and personnel of the Division of Community Services under Section 47-7-9, Mississippi Code of 1972, serving on July 1, 1994, shall not be required to meet any requirement of subsections (3) and (4) of this section as a condition of continued employment; nor shall failure of any such law enforcement officer to fulfill such requirements make that person ineligible for any promotional examination for which that person is otherwise eligible. Provided, however, if any law enforcement officer certified under the provisions of this chapter leaves his employment as such and does not become employed as a law enforcement officer within two (2) years from the date of termination of his prior employment, he shall be required to comply with board policy as to rehiring standards in order to be employed as a law enforcement officer; except, that, if any law enforcement officer certified under this chapter leaves his employment as such to serve as a sheriff, he may be employed as a law enforcement officer after he has completed his service as a sheriff without being required to comply with board policy as to rehiring standards. Part-time law enforcement officers serving on or before July 1, 1998, shall have until July 1, 2001, to obtain certification as a part-time officer.

(2) (a) Any person who has twenty (20) years of law enforcement experience and who is eligible to be certified under this section shall be eligible for recertification after leaving law enforcement on the same basis as someone who has taken the basic training course. Application to the board to

qualify under this paragraph shall be made no later than June 30, 1993.

(b) Any person who has twenty-five (25) years of law enforcement experience, whether as a part-time, full-time, reserve or auxiliary officer, and who has received certification as a part-time officer, may be certified as a law enforcement officer as defined in Section 45-6-3(c) without having to meet further requirements. Application to the board to qualify under this paragraph shall be made no later than June 30, 2009.

(3) (a) No person shall be appointed or employed as a law enforcement officer or a part-time law enforcement officer unless that person has been certified as being qualified under the provisions of subsection (4) of this section.

(b) No person shall be appointed or employed as a law enforcement trainee in a full-time capacity by any law enforcement unit for a period to exceed\* \* \* one (1) year. No person shall be appointed or employed as a law enforcement trainee in a part-time, reserve or auxiliary capacity by any law enforcement unit for a period to exceed two (2) years. The prohibition against the appointment or employment of a law enforcement trainee in a full-time capacity for a period not to exceed one (1) year or a part-time, reserve or auxiliary capacity for a period not to exceed two (2) years may not be nullified by terminating the appointment or employment of such a person before the expiration of the time period and then rehiring the person for another period. Any person, who, due to illness or other events beyond his control, could not attend the required school or training as scheduled, may serve with full pay and benefits in such a capacity until he can attend the required school or training.

(c) No person shall serve as a law enforcement officer in any full-time, part-time, reserve or auxiliary capacity during a period when that person's certification has been suspended, cancelled or recalled pursuant to the provisions of this chapter.

(4) In addition to the requirements of subsections (3), (7) and (8) of this section, the board, by rules and regulations consistent with other provisions of law, shall fix other qualifications for the employment of law enforcement officers, including minimum age, education, physical and mental standards, citizenship, good moral character, experience and

such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements. Additionally, the board shall fix qualifications for the appointment or employment of part-time law enforcement officers to essentially the same standards and requirements as law enforcement officers. The board shall develop and implement a part-time law enforcement officer training program that meets the same performance objectives and has essentially the same or similar content as the programs approved by the board for full-time law enforcement officers and the board shall provide that such training shall be available locally and held at times convenient to the persons required to receive such training.

(5) Any elected sheriff, constable, deputy or chief of police may apply for certification. Such certification shall be granted at the request of the elected official after providing evidence of satisfaction of the requirements of subsections (3) and (4) of this section. Certification granted to such elected officials shall be granted under the same standards and conditions as established by law enforcement officers and shall be subject to recall as in subsection (7) of this section.

(6) The board shall issue a certificate evidencing satisfaction of the requirements of subsections (3) and (4) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the board for approved law enforcement officer education and training programs in this state, and has satisfactorily passed any and all diagnostic testing and evaluation as required by the board to ensure competency.

(7) Professional certificates remain the property of the board, and the board reserves the right to either reprimand the holder of a certificate, suspend a certificate upon conditions imposed by the board, or cancel and recall any certificate when:

(a) The certificate was issued by administrative error;

(b) The certificate was obtained through misrepresentation or fraud;



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(c) The holder has been convicted of any crime involving moral turpitude;

(d) The holder has been convicted of a felony;

(e) The holder has committed an act of malfeasance or has been dismissed from his employing law enforcement agency; or

(f) Other due cause as determined by the board.

(8) When the board believes there is a reasonable basis for either the reprimand, suspension, cancellation of, or recalling the certification of a law enforcement officer or a part-time law enforcement officer, notice and opportunity for a hearing shall be provided in accordance with law prior to such reprimand, suspension or revocation.

(9) Any full- or part-time law enforcement officer aggrieved by the findings and order of the board may file an appeal with the chancery court of the county in which such person is employed from the final order of the board. Such appeals must be filed within thirty (30) days of the final order of the board.

(10) Any full- or part-time law enforcement officer whose certification has been cancelled pursuant to this chapter may reapply for certification, but not sooner than two (2) years after the date on which the order of the board cancelling such certification becomes final.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1519**

**Description:** Tampering of municipal utility meters; authorize prosecution in municipality when tampering occurs outside municipal boundaries.

**Fiscal Note:** No fiscal note conducted -

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 435

**History of Actions:**

1	01/21	(H)	Referred To Municipalities
2	01/31	(H)	Title Suff Do Pass
3	02/13	(H)	Amended
4	02/13	(H)	Passed As Amended {Vote}
5	02/18	(H)	Transmitted To Senate
6	02/20	(S)	Referred To Municipalities; Judiciary,
Division B			
7	02/28	(S)	DR - TSDP: MU To JB
8	03/05	(S)	Title Suff Do Pass
9	03/12	(S)	Passed {Vote}
10	03/13	(S)	Transmitted To House
11	03/15	(H)	Enrolled Bill Signed
12	03/15	(S)	Enrolled Bill Signed
13	03/21		Approved by Governor

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote

**Code Section:** A 097-0025-0003

**----- Additional Information -----**

**House Committee:** Municipalities

**Senate Committee:** Municipalities, Judiciary, Division B

**Principal Author:** Blackmon

**Additional Authors:** Rushing

***Title:*** AN ACT TO AMEND SECTION 97-25-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY ARE AUTHORIZED TO PROSECUTE WITHIN THE MUNICIPALITY WHEN TAMPERING OF ELECTRIC, GAS OR WATER METERS OCCURS AND SUCH METERS ARE LOCATED OUTSIDE THE MUNICIPAL BOUNDARIES OF THE MUNICIPALITY; AND FOR RELATED PURPOSES.

**2013 GENERAL LAWS OF MISSISSIPPI HB 1519**

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Municipalities

By: Representatives Blackmon, Rushing

**House Bill 1519**

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-25-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY ARE AUTHORIZED TO PROSECUTE WITHIN THE MUNICIPALITY WHEN TAMPERING OF ELECTRIC, GAS OR WATER METERS OCCURS AND SUCH METERS ARE LOCATED OUTSIDE THE MUNICIPAL BOUNDARIES OF THE MUNICIPALITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 97-25-3, Mississippi Code of 1972, is amended as follows:

97-25-3. Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred

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Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court.

The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section.

Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both.

Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law.

The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed



## 2013 GENERAL LAWS OF MISSISSIPPI HB 1519

upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1595**

**Description:** City of Louisville; authorize to impose tax upon hotels and motels.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* VRA

*Chapter Number:* 907

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 02/01 | (H) | Referred To Local and Private Legislation |
| 2  | 02/18 | (H) | Title Suff Do Pass Comm Sub               |
| 3  | 02/26 | (H) | Committee Substitute Adopted              |
| 4  | 02/26 | (H) | Passed {Vote}                             |
| 5  | 02/28 | (H) | Transmitted To Senate                     |
| 6  | 03/04 | (S) | Referred To Local and Private             |
| 7  | 03/07 | (S) | Title Suff Do Pass As Amended             |
| 8  | 03/14 | (S) | Amended                                   |
| 9  | 03/14 | (S) | Passed As Amended {Vote}                  |
| 10 | 03/15 | (S) | Returned For Concurrence                  |
| 11 | 03/19 | (H) | Concurred in Amend From Senate {Vote}     |
| 12 | 03/21 | (S) | Enrolled Bill Signed                      |
| 13 | 03/21 | (H) | Enrolled Bill Signed                      |
| 14 | 03/27 |     | Approved by Governor                      |

**Amendments:**

[S] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for House Bill No. 1595

**----- Additional Information -----**

**House Committee:** Local and Private Legislation

**Senate Committee:** Local and Private

**Principal Author:** Evans (43rd)

**Title:** AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF LOUISVILLE, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS PROCEEDS OF

ROOM RENTALS FOR HOTELS OR MOTELS IN THE CITY AND TO ESTABLISH A  
TOURISM AND ECONOMIC ADVISORY BOARD; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1595

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private Legislation

By: Representative Evans (43rd)

**House Bill 1595**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF LOUISVILLE, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS PROCEEDS OF ROOM RENTALS FOR HOTELS OR MOTELS IN THE CITY AND TO ESTABLISH A TOURISM AND ECONOMIC ADVISORY BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** As used in this act, the following terms shall have the following meanings unless a different meaning is clearly indicated by the context in which they are used:

(a) "Governing authorities" means the Mayor and Board of Aldermen of the City of Louisville, Mississippi.

(b) "Hotel" or "motel" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests, where the establishment consists of six (6) or more guest rooms. The term "hotel" or "motel" does not include any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

**SECTION 2.** (1) For the purpose of providing funds to promote tourism and parks and recreation within the City of Louisville, the governing authorities are authorized, in their discretion, to levy and collect from the following persons a tax, which shall be in addition to all of the taxes and assessments imposed upon every person, firm or corporation operating a motel or hotel in the City of Louisville, at a rate not to exceed two percent (2%) of the gross proceeds of room rentals for each such hotel or motel.

(2) Persons, firms or corporations liable for the levy imposed under subsection (1) of this section shall add the amount of the levy to the sales price of the rooms and products set out in subsection (1) of this section and shall

## 2013 GENERAL LAWS OF MISSISSIPPI HB 1595

collect, insofar as is practicable, the amount of the tax due by them from the person receiving the services or product at the time of payment therefor.

(3) The tax shall be collected by and paid to the Mississippi Department of Revenue on a form prescribed by the Department of Revenue in the manner that state sales taxes are computed, collected and paid; and full enforcement provisions and all other provisions of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

(4) The proceeds of the tax, less three percent (3%) thereof which shall be retained by the Department of Revenue to defray the cost of collection, shall be paid to the governing authorities on or before the fifteenth day of the month following the month in which collected.

(5) The proceeds of the tax shall not be considered by the City of Louisville as general fund revenues but shall be dedicated to and expended solely for the purposes specified in this section.

**SECTION 3.** Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their intention to levy the tax, setting forth the amount of the tax to be imposed, the date upon which the tax shall become effective and calling for an election to be held on the question. The date of the election shall be fixed in the resolution. Notice of such intention and the election shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the City of Louisville, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the election. At the election, all qualified electors of the City of Louisville may vote, and the ballots used in the election shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX" and the voters shall vote by placing a cross (x) or check (ü) opposite their choice on the proposition. When the results of the election shall have been canvassed and certified, the town may levy the tax if sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. At least thirty



(30) days before the effective date of the tax provided in this section, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing the tax.

**SECTION 4.** Accounting for receipts and expenditures of the funds herein described shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Louisville. The records reflecting the receipts and expenditures of the funds prescribed in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of the audit shall be paid from the funds derived in accordance with this act.

**SECTION 5.** (1) Before levying or collecting the tax authorized under this act, the governing authorities shall establish and appoint three (3) members to a three-year term on the Tourism and Economic Advisory Board who shall be composed of the following:

(a) The Mayor of the City of Louisville, or a member of the Board of Aldermen of the City of Louisville, whose term expires on July 1, 2015;

(b) The chief operating official of the Louisville/Winston County Economic Development Partnership, whose term expires on July 1, 2013; and

(c) An owner of a hotel/motel establishment operating such business within the city limits of Louisville, Mississippi, whose term expires on July 1, 2014.

(2) Regardless of the length of appointment, a member's term on the Tourism and Economic Advisory Board shall terminate should he or she no longer hold the requisite position for which his or her appointment is made and a replacement appointment of an individual who meets the requisite qualification shall be made to fill the unexpired portion of such appointment.

**SECTION 6.** The Board of Aldermen of the City of Louisville is authorized to expend funds solely for the purposes prescribed under Section 2 of this act, but only after first receiving a written recommendation for such expenditures from the Tourism and Economic Advisory Board created under this act.

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**SECTION 7.** This act shall be repealed from and after July 1, 2016.

**SECTION 8.** The governing authorities are directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

**SECTION 9.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1619**

**Description:** Lauderdale County; authorize to fund Chaplaincy Program of the detention facility from revenue of inmate phone service.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 908

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 02/13 | (H) | Referred To Local and Private Legislation |
| 2  | 03/04 | (H) | Title Suff Do Pass                        |
| 3  | 03/05 | (H) | Passed {Vote}                             |
| 4  | 03/06 | (H) | Transmitted To Senate                     |
| 5  | 03/11 | (S) | Referred To Local and Private             |
| 6  | 03/19 | (S) | Title Suff Do Pass                        |
| 7  | 03/20 | (S) | Passed {Vote}                             |
| 8  | 03/21 | (S) | Transmitted To House                      |
| 9  | 03/22 | (H) | Enrolled Bill Signed                      |
| 10 | 03/22 | (S) | Enrolled Bill Signed                      |
| 11 | 04/01 |     | Approved by Governor                      |

**----- Additional Information -----**

**House Committee:** Local and Private Legislation

**Senate Committee:** Local and Private

**Principal Author:** Snowden

**Additional Authors:** Horne, Shirley, Young

**Title:** AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LAUDERDALE COUNTY, MISSISSIPPI, TO FUND THE LAUDERDALE COUNTY DETENTION FACILITY'S GOOD NEWS JAIL AND PRISON MINISTRY CHAPLAIN AND CHAPLAINCY PROGRAM FROM NONTAX REVENUE GENERATED BY THE INMATE TELEPHONE SERVICE; AND FOR RELATED PURPOSES.

**2013 GENERAL LAWS OF MISSISSIPPI HB 1619**

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private Legislation

By: Representatives Snowden, Horne, Shirley, Young

**House Bill 1619**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LAUDERDALE COUNTY, MISSISSIPPI, TO FUND THE LAUDERDALE COUNTY DETENTION FACILITY'S GOOD NEWS JAIL AND PRISON MINISTRY CHAPLAIN AND CHAPLAINCY PROGRAM FROM NONTAX REVENUE GENERATED BY THE INMATE TELEPHONE SERVICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The Board of Supervisors of Lauderdale County, Mississippi, may, in its discretion, expend fifty percent (50%), which shall not exceed Twenty-five Thousand Dollars (\$25,000.00) annually during calendar years 2014 and 2015, of the Lauderdale County Detention Facility and the Hilltop Honor Farm Work Center (LCDF) nontax inmate telephone service revenue directly from the LCDF inmate telephone service provider to the Good News Jail and Prison Ministry to fund the LCDF Chaplain and for the administration and further development of the LCDF Chaplaincy Program.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1675**

**Description:** City of Pass Christian; authorize use of golf carts in.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 909

**History of Actions:**

1	02/18	(H)	Referred To Local and Private Legislation
2	03/04	(H)	Title Suff Do Pass
3	03/05	(H)	Passed {Vote}
4	03/06	(H)	Transmitted To Senate
5	03/11	(S)	Referred To Local and Private
6	03/19	(S)	Title Suff Do Pass
7	03/20	(S)	Passed {Vote}
8	03/21	(S)	Transmitted To House
9	03/22	(H)	Enrolled Bill Signed
10	03/22	(S)	Enrolled Bill Signed
11	04/01		Approved by Governor

**----- Additional Information -----**

**House Committee:** Local and Private Legislation

**Senate Committee:** Local and Private

**Principal Author:** Bennett

**Additional Authors:** Crawford

**Title:** AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF PASS CHRISTIAN, MISSISSIPPI, TO ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND GOLF CARTS ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE CITY OF PASS CHRISTIAN; TO REQUIRE INDIVIDUALS OPERATING A LOW-SPEED VEHICLE OR GOLF CART TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S PERMIT; TO REQUIRE CERTAIN REGISTRATION OF SUCH LOW-SPEED VEHICLE OR GOLF CART; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI HB 1675

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private Legislation

By: Representatives Bennett, Crawford

**House Bill 1675**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF PASS CHRISTIAN, MISSISSIPPI, TO ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND GOLF CARTS ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE CITY OF PASS CHRISTIAN; TO REQUIRE INDIVIDUALS OPERATING A LOW-SPEED VEHICLE OR GOLF CART TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S PERMIT; TO REQUIRE CERTAIN REGISTRATION OF SUCH LOW-SPEED VEHICLE OR GOLF CART; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** As used in this act, unless a different meaning clearly appears in the context, the following terms shall have the following meanings:

(a) "City" means the City of Pass Christian, Mississippi.

(b) "Governing authorities" means the Mayor and City Council of the City of Pass Christian, Mississippi.

(c) "Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour and is equipped with the safety equipment as required under 49 CFR Section 571.500.

(d) "Low-speed vehicle" means any four-wheeled electric or gasoline powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

**SECTION 2.** (1) The governing authorities of the City of Pass Christian, Mississippi, may, by ordinance, in their discretion, authorize the operation of low-speed vehicles and golf carts only on public roads and streets that are within the Timber Ridge Subdivision Golf Course area, being generally bounded on the south by West North Street and the east by Henderson Avenue.

(2) Any person operating a low-speed vehicle or golf cart on the public roads and streets under this act must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section 63-15-1 et seq., Mississippi Code of 1972.

(3) Low-speed vehicles and golf carts may only be operated on public streets in the Timber Ridge Subdivision if the operator is traveling the shortest possible travel distance between his or her residence and the nearest other public road or street authorized for use by low-speed vehicles and/or golf carts, cart path or golf course cart path and during daylight hours only.

(4) Low-speed vehicles and golf carts may not be operated in the other areas of the City of Pass Christian, and they may not cross or travel on Henderson Avenue or West North Street or any public streets outside the Timber Ridge Subdivision Golf Course area.

(5) Notwithstanding any other provision of law to the contrary, when operated by a person participating in a parade permitted by the City of Pass Christian, low-speed vehicles and golf carts may be operated on the permitted route of the parade while participating in the parade and are not restricted to the contiguous Timber Ridge Subdivision public streets and thoroughfares.

**SECTION 3.** (1) Every low-speed vehicle and golf cart to be operated, as authorized under this act, on a public road or street shall be required to register the vehicle with the City of Pass Christian. Upon payment of a reasonable fee that may be charged by the city to cover the costs of administration, a map and a sticker and presentation of proof of financial responsibility and presentation of a valid driver's license or temporary driving permit, the owner of the low-speed vehicle or golf cart shall be issued a registration decal by the county or municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the low-speed vehicle or golf cart. The city shall provide the registrant with a map of the contiguous Timber Ridge Subdivision area where low-speed vehicles and golf carts may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a

**2013 GENERAL LAWS OF MISSISSIPPI HB 1675**

valid driver's license in his or her possession at all times while operating the low-speed vehicle or golf cart on public roads and streets of the state.

(2) The registration fee imposed under subsection (1) of this section shall be retained by the tax collector and deposited into the county or municipal general fund, as the case may be.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**House Bill 1680**

**Description:** Sales tax law; include certain recycling activities in the terms “to manufacture” and “manufacturing”.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* Revenue

*Revenue:* Yes

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 469

**History of Actions:**

1	02/18	(H)	Referred To Ways and Means
2	02/25	(H)	Title Suff Do Pass
3	02/26	(H)	Passed {Vote}
4	02/27	(H)	Transmitted To Senate
5	03/04	(S)	Referred To Finance
6	03/14	(S)	Title Suff Do Pass
7	03/19	(S)	Passed {Vote}
8	03/20	(S)	Transmitted To House
9	03/21	(S)	Enrolled Bill Signed
10	03/21	(H)	Enrolled Bill Signed
11	03/27		Approved by Governor

**Code Section:** A 027-0065-0011

**----- Additional Information -----**

**House Committee:** Ways and Means

**Senate Committee:** Finance

**Principal Author:** Smith (39th)

**Title:** AN ACT TO AMEND SECTION 27-65-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS “TO MANUFACTURE” AND “MANUFACTURING” UNDER THE SALES TAX LAW TO CLARIFY THAT CERTAIN ACTIVITIES BY SCRAP METAL RECYCLERS ARE INCLUDED IN SUCH DEFINITIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1680

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

**House Bill 1680**

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "TO MANUFACTURE" AND "MANUFACTURING" UNDER THE SALES TAX LAW TO CLARIFY THAT CERTAIN ACTIVITIES BY SCRAP METAL RECYCLERS ARE INCLUDED IN SUCH DEFINITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-65-11, Mississippi Code of 1972, is amended as follows:

27-65-11. (a) "Manufacturer" means one who is exclusively or predominately engaged in the business of manufacturing as defined under the terms "to manufacture" or "manufacturing." A person who is engaged in manufacturing and nonmanufacturing activities may be classified as a manufacturer as to his manufacturing activities which are operated as a separate business or division.

(b) "To manufacture" or "manufacturing" embraces activities of an industrial or commercial nature wherein labor or skill is applied, by hand or machinery, to materials belonging to the manufacturer so that a new, different, or more useful article of tangible personal property or substance of trade or commerce or electric power is produced for sale or rental and includes the production or fabrication of special-made or custom-made articles for sale or rental. Activities of scrap metal recyclers that primarily convert material into a more useful product such as a specification-grade commodity, by processing the metal into separate types, removing waste material, and/or cutting, chipping, sorting, sizing or shaping the material into a usable product for sale such as a specification-grade commodity, shall be included in the terms "to manufacture" and "manufacturing."

"To manufacture" or "manufacturing" does not include activities such as cooking or preparing food or food products by a retailer in the regular course of retail trade; repairing



and reconditioning property; the filling of prescriptions by a pharmacist; the washing or screening of mineral products; the cutting, hauling and decking of logs; or similar preparatory functions even when performed by a manufacturer. Activities of scrap metal recyclers that involve the gathering of recycled material and flattening, sorting, bundling or performing some other similar function solely to allow ease of transportation or storage and not to produce specification-grade commodities and/or the removal of parts for resale, shall not be included in the terms "to manufacture" and "manufacturing."

(c) "Remanufacturing" embraces activities of an industrial or commercial nature wherein labor or skill is applied by hand or machinery to materials, a portion of which may belong to the customer, so that rebuilt articles of tangible personal property, comparable in quality to new articles of the same property, are created, a majority of the value of which is produced by the remanufacturing activity.

(d) "Custom processor" means one who is exclusively or predominately engaged in the business of custom processing or remanufacturing as defined under the terms "custom processing" and "remanufacturing."

(e) "Custom processing" means the performance of a manufacturing service done or made to order upon the property of the customer and shall include laundering, cleaning and pressing, but shall not include "repairs" or "maintenance" as these terms are defined herein; nor self-service commercial laundering, drying, cleaning and pressing equipment.

(f) "Manufacturing machinery" shall mean and include that machinery owned or leased by a manufacturer or custom processor for use by said manufacturer or custom processor in his plant directly and exclusively in manufacturing tangible personal property for subsequent sale, rental or in custom processing for a fee. Motorized units, conveyors, track and track structures, conduits, and similar items for use in transporting the unfinished product from storage or from one phase of the manufacturing process to another may be classed as "manufacturing machinery."

"Manufacturing machinery" shall also include laboratory machinery which shall include X-ray machines and film, scales, chemical equipment, pressure and tensile analysis machines and similar equipment to determine the quality of the product in process of manufacture, and equipment used in the processing

of waste materials to avoid air and water pollution, but only when located at the manufacturer's plant site.

Machinery used by a manufacturer to move, repair, clean, alter, improve, or otherwise recondition, rail rolling stock for sale or rental shall likewise constitute "manufacturing machinery."

"Manufacturing machinery" shall also include machinery and equipment used in the production of motion pictures such as editing equipment, audio equipment, lighting equipment, projection equipment, camera equipment, sound equipment, cables, computer equipment used in the editing process, computer equipment used in the creation of special effects, and computer equipment used in the graphic and animation process. For the purposes of this paragraph the term "motion picture" means a nationally distributed feature-length film, video, television series or commercial made in Mississippi, in whole or in part, for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events, or a film, video, television series or commercial that contains any material or performance defined in Section 97-29-103. Manufacturing machinery used in the production of motion pictures shall not be limited to a plant site.

"Manufacturing machinery" shall not include machinery for use in the hatching of baby chicks, the severance of timber, sand, gravel, oil, gas or other natural resources produced or severed from the soil or water, maintenance or repair machinery, research laboratory machinery, storage warehouse machinery, equipment for protection of the plant or comfort of the personnel, or other equipment and supplies of like character. "Manufacturing machinery" does not include machine foundations or materials for their construction.

(g) "Machine parts" are component parts of manufacturing machinery and do not include parts for service equipment, nonmanufacturing machinery, fuels, lubricants, paints, or tools for maintenance.

(h) "Manufacturing plant" means the real and personal property owned or leased by a manufacturer which is assembled and used at a fixed location to perform activities defined as "manufacturing."

**2013 GENERAL LAWS OF MISSISSIPPI HB 1680**

(i) "Repair," "repairs," or "maintenance" means the restoring of property in some measure to its original condition, which may involve the use of either personal property or labor or both, but, for the purposes of this chapter, the total charge for the service shall constitute gross income taxable in the class in which it falls.

(j) "Producer" means any person producing natural resource products or agricultural or horticultural products from the soil or water for sale.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2015**

**Description:** Grand jurors; revise potential number of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 476

**History of Actions:**

- |    |       |     |                                      |
|----|-------|-----|--------------------------------------|
| 1  | 01/11 | (S) | Referred To Judiciary, Division A    |
| 2  | 01/29 | (S) | Title Suff Do Pass                   |
| 3  | 02/07 | (S) | Passed {Vote}                        |
| 4  | 02/08 | (S) | Transmitted To House                 |
| 5  | 02/20 | (H) | Referred To Judiciary A              |
| 6  | 02/28 | (H) | Title Suff Do Pass As Amended        |
| 7  | 03/05 | (H) | Amended                              |
| 8  | 03/05 | (H) | Passed As Amended {Vote}             |
| 9  | 03/06 | (H) | Returned For Concurrence             |
| 10 | 03/19 | (S) | Concurred in Amend From House {Vote} |
| 11 | 03/21 | (S) | Enrolled Bill Signed                 |
| 12 | 03/21 | (H) | Enrolled Bill Signed                 |
| 13 | 03/27 |     | Approved by Governor                 |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2015

**Code Section:** A 013-0005-0041

**----- Additional Information -----**

**Senate Committee:** Judiciary, Division A

**House Committee:** Judiciary A

**Principal Author:** Wiggins

***Title:*** AN ACT TO AMEND SECTION 13-5-41, MISSISSIPPI CODE OF 1972, TO REVISE THE POTENTIAL NUMBER OF GRAND JURORS; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI SB 2015

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Wiggins

**Senate Bill 2015**

(As Sent to Governor)

AN ACT TO AMEND SECTION 13-5-41, MISSISSIPPI CODE OF 1972, TO REVISE THE POTENTIAL NUMBER OF GRAND JURORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 13-5-41, Mississippi Code of 1972, is amended as follows:

13-5-41. The number of grand jurors shall not be less than fifteen (15) nor more than\* \* \* twenty-five (25), in the discretion of the court.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2147**

**Description:** Economic Redevelopment Act; revise definition of “contaminated site” and time in which county/municipality may apply for.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 486

**History of Actions:**

- |    |       |     |                                      |
|----|-------|-----|--------------------------------------|
| 1  | 01/14 | (S) | Referred To Finance                  |
| 2  | 01/31 | (S) | Title Suff Do Pass                   |
| 3  | 02/07 | (S) | Passed {Vote}                        |
| 4  | 02/08 | (S) | Transmitted To House                 |
| 5  | 02/21 | (H) | Referred To Ways and Means           |
| 6  | 03/05 | (H) | Title Suff Do Pass As Amended        |
| 7  | 03/06 | (H) | Amended                              |
| 8  | 03/06 | (H) | Passed As Amended {Vote}             |
| 9  | 03/07 | (H) | Returned For Concurrence             |
| 10 | 03/22 | (S) | Concurred in Amend From House {Vote} |
| 11 | 03/27 | (S) | Enrolled Bill Signed                 |
| 12 | 03/27 | (H) | Enrolled Bill Signed                 |
| 13 | 04/03 |     | Approved by Governor                 |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote  
Amendment Report for Senate Bill No. 2147

**Code Section:** A 057-0091-0005, A 057-0091-0007, A 057-0091-0009

**----- Additional Information -----**

***Senate Committee:*** Finance

***House Committee:*** Ways and Means

***Principal Author:*** Hopson

**Title:** AN ACT TO AMEND SECTIONS 57-91-5, 57-91-7 AND 57-91-9, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "CONTAMINATED SITE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO REVISE THE TIME IN WHICH CERTAIN COUNTIES AND MUNICIPALITIES MAY APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR DESIGNATION AS REDEVELOPMENT COUNTIES AND MUNICIPALITIES UNDER THE ECONOMIC REDEVELOPMENT ACT; TO EXTEND THE PERIOD OF TIME THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY MAKE INCENTIVE PAYMENTS FROM THE REDEVELOPMENT PROJECT INCENTIVE FUND TO A DEVELOPER OF A REDEVELOPMENT PROJECT UNDER THE ECONOMIC REDEVELOPMENT ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2147

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Hopson

**Senate Bill 2147**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 57-91-5, 57-91-7 AND 57-91-9, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "CONTAMINATED SITE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO REVISE THE TIME IN WHICH CERTAIN COUNTIES AND MUNICIPALITIES MAY APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR DESIGNATION AS REDEVELOPMENT COUNTIES AND MUNICIPALITIES UNDER THE ECONOMIC REDEVELOPMENT ACT; TO EXTEND THE PERIOD OF TIME THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY MAKE INCENTIVE PAYMENTS FROM THE REDEVELOPMENT PROJECT INCENTIVE FUND TO A DEVELOPER OF A REDEVELOPMENT PROJECT UNDER THE ECONOMIC REDEVELOPMENT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 57-91-5, Mississippi Code of 1972, is amended as follows:

57-91-5. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Business enterprise" means any permanent business enterprise locating or relocating within a redevelopment project area, including, without limitation:

(i) Industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture;

(ii) Enterprises for research and development, including, but not limited to, scientific laboratories;

(iii) Industry for the retail sale of goods and services;

(iv) The industry for recreation and hospitality, including, but not limited to, restaurants, hotels and sports facilities; and

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(v) Such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA.

The term "business enterprise" shall not include gaming businesses.

(b) "Contaminated site" means real property that is either (i) subject to a bankruptcy court order in which the property has been abandoned from the bankruptcy estate, or (ii) Brownfield property that is subject to a Brownfield agreement under Section 49-35-11, and the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

(c) "County" means any county of this state.

(d) "Developer" means any person who assumes certain environmental liability at a contaminated site and enters into an agreement with a redevelopment county or municipality whereby the developer agrees to undertake a redevelopment project. "Developer agreement" means said agreement.

(e) "Governing body" means the board of supervisors of any county or the governing board of a municipality.

(f) "Law" means any act or statute, general, special or local, of this state.

(g) "MDA" means the Mississippi Development Authority.

(h) "MDEQ" means the Mississippi Department of Environmental Quality.

(i) "Municipality" means any incorporated municipality in the state.

(j) "Person" means a natural person, partnership, association, corporation, business trust or other business entity.

(k) "Redevelopment counties and municipalities" means those counties or municipalities which meet the requirements of this chapter and which have by resolution or order designated a redevelopment project area and given its consent to participate in the program established under this chapter.

(l) "Redevelopment project" means a project that combines remediation of a contaminated site with the planned development of such site and surrounding land in a manner conducive



to use by the public or business enterprises including the construction of recreational facilities.

(m) "Redevelopment project area" means the geographic area defined by resolution of the county or municipality within which the remediation and planned development will take place containing the contaminated site and additional surrounding and adjacent land and waterfront, not exceeding six hundred fifty (650) acres, suitable for development.

(n) "Resolution" means an order, resolution, ordinance, act, record of minutes or other appropriate enactment of a governing body.

(o) "State taxes and fees" means any sales tax imposed on the sales or certain purchases by a business enterprise pursuant to law within a redevelopment project area, all income tax imposed pursuant to law on income earned by the approved business enterprise within a redevelopment project area and all franchise tax imposed pursuant to law on the value of capital used, invested or employed by the approved business enterprise in a redevelopment project area.

**SECTION 2.** Section 57-91-7, Mississippi Code of 1972, is amended as follows:

57-91-7. (1) From and after January 1, 2005,\* \* \* any counties or municipalities meeting the following conditions may apply to the MDA for the issuance of a certificate of public convenience and necessity:

(a) There is located within such county or municipality a contaminated site;

(b) There has been established by resolution of the county or municipality a redevelopment project area;

(c) There is submitted to the MDA application for designation as a redevelopment county or municipality which, at minimum, contains (i) MDEQ concurrence of the existence of a contaminated site and concurrence and involvement in the assessment and remediation plan, (ii) a resolution of the county or municipality setting forth the boundaries of the redevelopment project area and consenting to the designation of the county or municipality as a redevelopment county or municipality, and (iii) a developer agreement.

(2) If a proposed redevelopment project area falls wholly within the municipality, only the municipality must apply to

the MDA for designation as a redevelopment municipality. If a proposed redevelopment project area falls wholly within the county and outside the boundaries of a municipality, only the county may apply to the MDA for designation as a redevelopment county. If a proposed redevelopment project area falls partly within and partly without a municipality, then both the county and municipality must apply for designation as a redevelopment county and municipality; however, the county and municipality may submit a single application to the MDA, but the governing bodies of both the county and the municipality must pass resolutions meeting the requirements of paragraph (c)(ii) of subsection (1) of this section.

**SECTION 3.** Section 57-91-9, Mississippi Code of 1972, is amended as follows:

57-91-9. (1) There is created in the State Treasury a special fund to be known as the "Redevelopment Project Incentive Fund," into which shall be deposited certain state taxes and fees collected from business enterprises located within the redevelopment project area.

The monies in the fund shall be used for the purpose of making the incentive payments authorized in this section. The fund shall be administered by the MDA. Any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. Unexpended amounts remaining in the fund at the end of a fiscal year that are not necessary for incentive payments shall lapse into the General Fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program. The MDEQ may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for oversight costs of the assessment and remediation of the contaminated site.

(2) (a) Incentive payments may be made by the MDA to a developer in connection with a redevelopment project. Subject to the provisions of this subsection, the payments to a developer shall be for the amount of state taxes and fees collected from business enterprises located and operating within a redevelopment project area and deposited into the Redevelopment Project Incentive Fund. In the case of sales taxes, the amounts deposited in the Redevelopment Project Incentive Fund shall be reduced by the diversions required in

Section 27-65-75. The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The MDA shall make the calculations necessary to make the payments provided for in this section. The MDA shall cease making incentive payments to a developer\* \* \* fifteen (15) years from the date that is two (2) years after the date on which the redevelopment project is approved by the MDA.

(b) Except as otherwise provided in this subsection, payments made to a developer under this section shall be in the following amounts:

(i) For the first six (6) years in which such payments are made, the developer shall receive one hundred percent (100%) of the funds deposited into the Redevelopment Project Incentive Fund;

(ii) For the seventh year in which such payments are made, the developer shall receive eighty percent (80%) of the funds deposited into the Redevelopment Project Incentive Fund;

(iii) For the eighth year in which such payments are made, the developer shall receive seventy percent (70%) of the funds deposited into the Redevelopment Project Incentive Fund;

(iv) For the ninth year in which such payments are made, the developer shall receive sixty percent (60%) of the funds deposited into the Redevelopment Project Incentive Fund; and

(v) For the tenth year and any subsequent year in which such payments are made, the developer shall receive fifty percent (50%) of the funds deposited into the Redevelopment Project Incentive Fund.

(c) In no event shall the total aggregate amount of incentive payments that may be made to a developer under this section exceed two and one-half (2-1/2) times the amount of the allowable cost of remediation of the contaminated site. The allowable cost of remediation of the contaminated site shall be jointly determined by the MDEQ and the MDA.

(d) Any monies in the Redevelopment Project Incentive Fund which are not used for the purpose of making incentive payments to a developer shall be deposited into the State

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General Fund. The developer shall not distribute the proceeds of any incentive payment to a business enterprise.

(3) At such time as payments are no longer required to be made to a developer, the MDA shall notify the\* \* \* Department of Revenue and the state taxes and fees collected from business enterprises located within the redevelopment project area shall no longer be deposited into the Redevelopment Project Incentive Fund.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2209**

**Description:** Telemedicine services; health insurance plans must provide coverage to same extent as in-person services.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 478

**History of Actions:**

1	01/21	(S)	Referred To Insurance; Public Health and Welfare
2	01/23	(S)	DR - TSDPCS: IN To PH
3	01/29	(S)	Title Suff Do Pass Comm Sub
4	02/07	(S)	Committee Substitute Adopted
5	02/07	(S)	Passed {Vote}
6	02/08	(S)	Transmitted To House
7	02/21	(H)	Referred To Insurance; Appropriations
8	02/26	(H)	DR - TSDPAA: IN To AP
9	02/28	(H)	DR - TSDPAA: AP To IN
10	02/28	(H)	Title Suff Do Pass As Amended
11	02/28	(H)	Amended
12	02/28	(H)	Passed As Amended {Vote}
13	03/01	(H)	Returned For Concurrence
14	03/20	(S)	Concurred in Amend From House {Vote}
15	03/22	(S)	Enrolled Bill Signed
16	03/25	(H)	Enrolled Bill Signed
17	04/01		Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2209

**Code Section:** A 025-0015-0009

----- Additional Information -----



*Senate Committee:* Insurance, Public Health and Welfare

*House Committee:* Insurance, Appropriations

*Principal Author:* Burton

**Title:** AN ACT TO REQUIRE HEALTH INSURANCE PLANS IN THIS STATE TO PROVIDE COVERAGE FOR TELEMEDICINE SERVICES TO THE SAME EXTENT THAT THE SERVICES WOULD BE COVERED IF THEY WERE PROVIDED THROUGH IN-PERSON CONSULTATION; TO DEFINE THE TERMS “HEALTH INSURANCE PLAN” AND “TELEMEDICINE”; TO AUTHORIZE HEALTH CARE PRACTITIONERS LICENSED IN THIS STATE TO PROVIDE TREATMENT RECOMMENDATIONS TO A PATIENT AFTER HAVING PERFORMED AN APPROPRIATE EXAMINATION OF THE PATIENT THROUGH TELEMEDICINE; TO AMEND SECTION 25-15-9, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2209

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance; Public Health and Welfare

By: Senator(s) Burton

**Senate Bill 2209**

(As Sent to Governor)

AN ACT TO REQUIRE HEALTH INSURANCE PLANS IN THIS STATE TO PROVIDE COVERAGE FOR TELEMEDICINE SERVICES TO THE SAME EXTENT THAT THE SERVICES WOULD BE COVERED IF THEY WERE PROVIDED THROUGH IN-PERSON CONSULTATION; TO DEFINE THE TERMS "HEALTH INSURANCE PLAN" AND "TELEMEDICINE"; TO AUTHORIZE HEALTH CARE PRACTITIONERS LICENSED IN THIS STATE TO PROVIDE TREATMENT RECOMMENDATIONS TO A PATIENT AFTER HAVING PERFORMED AN APPROPRIATE EXAMINATION OF THE PATIENT THROUGH TELEMEDICINE; TO AMEND SECTION 25-15-9, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) As used in this section:

(a) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, and includes the State and School Employees Health Insurance Plan and any other public health care assistance program offered or administered by the state or any political subdivision or instrumentality of the state. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

(b) "Health insurer" means any health insurance company, nonprofit hospital and medical service corporation, health maintenance organization, preferred provider organization, managed care organization, pharmacy benefit manager, and, to the extent permitted under federal law, any administrator of an insured, self-insured or publicly funded health care benefit plan offered by public and private entities, and other parties that are by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service.

(c) "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of interactive audio, video, or other electronic

media. Telemedicine must be "real-time" consultation, and it does not include the use of audio-only telephone, e-mail, or facsimile.

(2) All health insurance plans in this state must provide coverage for telemedicine services to the same extent that the services would be covered if they were provided through in-person consultation.

(3) A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(4) A health insurance plan may limit coverage to health care providers in a telemedicine network approved by the plan.

(5) Nothing in this section shall be construed to prohibit a health insurance plan from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's policy.

(6) In a claim for the services provided, the appropriate procedure code for the covered services shall be included with the appropriate modifier indicating interactive communication was used.

(7) The originating site is eligible to receive a facility fee, but facility fees are not payable to the distant site.

**SECTION 2.** Subject to the limitations of the license under which the individual is practicing, a health care practitioner licensed in this state may prescribe, dispense, or administer drugs or medical supplies, or otherwise provide treatment recommendations to a patient after having performed an appropriate examination of the patient either in person or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically. Treatment recommendations made via electronic means, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional provider-patient settings.

**SECTION 3.** Section 25-15-9, Mississippi Code of 1972, is amended as follows:

**[Through June 30 of the year in which Section 25-11-143 becomes effective as provided in subsection (1) of Section 25-11-143, this section shall read as follows:]**

25-15-9. (1) (a) The board shall design a plan of health insurance for state employees that provides benefits for semiprivate rooms in addition to other incidental coverages that the board deems necessary. The amount of the coverages shall be in such reasonable amount as may be determined by the board to be adequate, after due consideration of current health costs in Mississippi. The plan shall also include major medical benefits in such amounts as the board determines. The plan shall provide for coverage for telemedicine services as provided in Section 1 of this act. The board is also authorized to accept bids for such alternate coverage and optional benefits as the board deems proper. Any contract for alternative coverage and optional benefits shall be awarded by the board after it has carefully studied and evaluated the bids and selected the best and most cost-effective bid. The board may reject all of the bids; however, the board shall notify all bidders of the rejection and shall actively solicit new bids if all bids are rejected. The board may employ or contract for such consulting or actuarial services as may be necessary to formulate the plan, and to assist the board in the preparation of specifications and in the process of advertising for the bids for the plan. Those contracts shall be solicited and entered into in accordance with Section 25-15-5. The board shall keep a record of all persons, agents and corporations who contract with or assist the board in preparing and developing the plan. The board in a timely manner shall provide copies of this record to the members of the advisory council created in this section and those legislators, or their designees, who may attend meetings of the advisory council. The board shall provide copies of this record in the solicitation of bids for the administration or servicing of the self-insured program. Each person, agent or corporation that, during the previous fiscal year, has assisted in the development of the plan or employed or compensated any person who assisted in the development of the plan, and that bids on the administration or servicing of the plan, shall submit to the board a statement accompanying the bid explaining in detail its participation with the development of the plan. This statement shall include the amount of compensation paid by the bidder to any such employee during the previous fiscal



year. The board shall make all such information available to the members of the advisory council and those legislators, or their designees, who may attend meetings of the advisory council before any action is taken by the board on the bids submitted. The failure of any bidder to fully and accurately comply with this paragraph shall result in the rejection of any bid submitted by that bidder or the cancellation of any contract executed when the failure is discovered after the acceptance of that bid. The board is authorized to promulgate rules and regulations to implement the provisions of this subsection.

The board shall develop plans for the insurance plan authorized by this section in accordance with the provisions of Section 25-15-5.

Any corporation, association, company or individual that contracts with the board for the third-party claims administration of the self-insured plan shall prepare and keep on file an explanation of benefits for each claim processed. The explanation of benefits shall contain such information relative to each processed claim that the board deems necessary, and, at a minimum, each explanation shall provide the claimant's name, claim number, provider number, provider name, service dates, type of services, amount of charges, amount allowed to the claimant and reason codes. The information contained in the explanation of benefits shall be available for inspection upon request by the board. The board shall have access to all claims information utilized in the issuance of payments to employees and providers.

(b) There is created an advisory council to advise the board in the formulation of the State and School Employees Health Insurance Plan. The council shall be composed of the State Insurance Commissioner, or his designee, an employee-representative of the institutions of higher learning appointed by the board of trustees thereof, an employee-representative of the Department of Transportation appointed by the director thereof, an employee-representative of the\*  
\* \* Department of Revenue appointed by the Commissioner of Revenue, an employee-representative of the Mississippi Department of Health appointed by the State Health Officer, an employee-representative of the Mississippi Department of Corrections appointed by the Commissioner of Corrections, and an employee-representative of the Department of Human Services



appointed by the Executive Director of Human Services, two (2) certificated public school administrators appointed by the State Board of Education, two (2) certificated classroom teachers appointed by the State Board of Education, a noncertificated school employee appointed by the State Board of Education and a community/junior college employee appointed by the\* \* \* Mississippi Community College Board.

The Lieutenant Governor may designate the Secretary of the Senate, the Chairman of the Senate Appropriations Committee, the Chairman of the Senate Education Committee and the Chairman of the Senate Insurance Committee, and the Speaker of the House of Representatives may designate the Clerk of the House, the Chairman of the House Appropriations Committee, the Chairman of the House Education Committee and the Chairman of the House Insurance Committee, to attend any meeting of the State and School Employees Insurance Advisory Council. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend the meetings of the council. Those designees shall have no jurisdiction or vote on any matter within the jurisdiction of the council. For attending meetings of the council, the legislators shall receive per diem and expenses, which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the council will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the council without prior approval of the proper committee in their respective houses.

(c) No change in the terms of the State and School Employees Health Insurance Plan may be made effective unless the board, or its designee, has provided notice to the State and School Employees Health Insurance Advisory Council and has called a meeting of the council at least fifteen (15) days before the effective date of the change. If the State and School Employees Health Insurance Advisory Council does not meet to advise the board on the proposed changes, the changes to the plan shall become effective at such time as the board has informed the council that the changes shall become effective.

(d) **Medical benefits for retired employees and dependents under age sixty-five (65) years and not eligible for Medicare benefits.** For employees who retire before July 1, 2005, and for employees retiring due to work-related disability under the Public Employees' Retirement System, the same health insurance coverage as for all other active employees and their dependents shall be available to retired employees and all dependents under age sixty-five (65) years who are not eligible for Medicare benefits, the level of benefits to be the same level as for all other active participants. For employees who retire on or after July 1, 2005, and not retiring due to work-related disability under the Public Employees' Retirement System, the same health insurance coverage as for all other active employees and their dependents shall be available to those retiring employees and all dependents under age sixty-five (65) years who are not eligible for Medicare benefits only if the retiring employees were participants in the State and School Employees Health Insurance Plan for four (4) years or more before their retirement, the level of benefits to be the same level as for all other active participants. This section will apply to those employees who retire due to one hundred percent (100%) medical disability as well as those employees electing early retirement.

(e) **Medical benefits for retired employees and dependents over age sixty-five (65) years or otherwise eligible for Medicare benefits.** For employees who retire before July 1, 2005, and for employees retiring due to work-related disability under the Public Employees' Retirement System, the health insurance coverage available to retired employees over age sixty-five (65) years or otherwise eligible for Medicare benefits, and all dependents over age sixty-five (65) years or otherwise eligible for Medicare benefits, shall be the major medical coverage. For employees retiring on or after July 1, 2005, and not retiring due to work-related disability under the Public Employees' Retirement System, the health insurance coverage described in this paragraph (e) shall be available to those retiring employees only if they were participants in the State and School Employees Health Insurance Plan for four (4) years or more and are over age sixty-five (65) years or otherwise eligible for Medicare benefits, and to all dependents over age sixty-five (65) years or otherwise eligible for Medicare benefits. Benefits shall be reduced by Medicare benefits as though the Medicare benefits were the base plan.

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All covered individuals shall be assumed to have full Medicare coverage, Parts A and B; and any Medicare payments under both Parts A and B shall be computed to reduce benefits payable under this plan.

(f) Lifetime maximum: The lifetime maximum amount of benefits payable under the health insurance plan for each participant is Two Million Dollars (\$2,000,000.00).

(2) Nonduplication of benefits - reduction of benefits by Title XIX benefits: When benefits would be payable under more than one (1) group plan, benefits under those plans will be coordinated to the extent that the total benefits under all plans will not exceed the total expenses incurred.

Benefits for hospital or surgical or medical benefits shall be reduced by any similar benefits payable in accordance with Title XIX of the Social Security Act or under any amendments thereto, or any implementing legislation.

Benefits for hospital or surgical or medical benefits shall be reduced by any similar benefits payable by workers' compensation.

(3) (a) Schedule of life insurance benefits - group term: The amount of term life insurance for each active employee of a department, agency or institution of the state government shall not be in excess of One Hundred Thousand Dollars (\$100,000.00), or twice the amount of the employee's annual wage to the next highest One Thousand Dollars (\$1,000.00), whichever may be less, but in no case less than Thirty Thousand Dollars (\$30,000.00), with a like amount for accidental death and dismemberment on a twenty-four-hour basis. The plan will further contain a premium waiver provision if a covered employee becomes totally and permanently disabled before age sixty-five (65) years. Employees retiring after June 30, 1999, shall be eligible to continue life insurance coverage in an amount of Five Thousand Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty Thousand Dollars (\$20,000.00) into retirement.

(b) Effective October 1, 1999, schedule of life insurance benefits - group term: The amount of term life insurance for each active employee of any school district, community/junior college, public library or university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children or any regular nonstudent bus

driver shall not be in excess of One Hundred Thousand Dollars (\$100,000.00), or twice the amount of the employee's annual wage to the next highest One Thousand Dollars (\$1,000.00), whichever may be less, but in no case less than Thirty Thousand Dollars (\$30,000.00), with a like amount for accidental death and dismemberment on a twenty-four-hour basis. The plan will further contain a premium waiver provision if a covered employee of any school district, community/junior college, public library or university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children or any regular nonstudent bus driver becomes totally and permanently disabled before age sixty-five (65) years. Employees of any school district, community/junior college, public library or university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children or any regular nonstudent bus driver retiring after September 30, 1999, shall be eligible to continue life insurance coverage in an amount of Five Thousand Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty Thousand Dollars (\$20,000.00) into retirement.

(4) Any eligible employee who on March 1, 1971, was participating in a group life insurance program that has provisions different from those included in this article and for which the State of Mississippi was paying a part of the premium may, at his discretion, continue to participate in that plan. The employee shall pay in full all additional costs, if any, above the minimum program established by this article. Under no circumstances shall any individual who begins employment with the state after March 1, 1971, be eligible for the provisions of this subsection.

(5) The board may offer medical savings accounts as defined in Section 71-9-3 as a plan option.

(6) Any premium differentials, differences in coverages, discounts determined by risk or by any other factors shall be uniformly applied to all active employees participating in the insurance plan. It is the intent of the Legislature that the state contribution to the plan be the same for each employee throughout the state.

(7) On October 1, 1999, any school district, community/junior college district or public library may elect to remain with an existing policy or policies of group life insurance with an insurance company approved by the State and School



Employees Health Insurance Management Board, in lieu of participation in the State and School Life Insurance Plan. On or after July 1, 2004, until October 1, 2004, any school district, community/junior college district or public library may elect to choose a policy or policies of group life insurance existing on October 1, 1999, with an insurance company approved by the State and School Employees Health Insurance Management Board in lieu of participation in the State and School Life Insurance Plan. The state's contribution of up to fifty percent (50%) of the active employee's premium under the State and School Life Insurance Plan may be applied toward the cost of coverage for full-time employees participating in the approved life insurance company group plan. For purposes of this subsection (7), "life insurance company group plan" means a plan administered or sold by a private insurance company. After October 1, 1999, the board may assess charges in addition to the existing State and School Life Insurance Plan rates to such employees as a condition of enrollment in the State and School Life Insurance Plan. In order for any life insurance company group plan to be approved by the State and School Employees Health Insurance Management Board under this subsection (7), it shall meet the following criteria:

(a) The insurance company offering the group life insurance plan shall be rated "A-" or better by A.M. Best state insurance rating service and be licensed as an admitted carrier in the State of Mississippi by the Mississippi Department of Insurance.

(b) The insurance company group life insurance plan shall provide the same life insurance, accidental death and dismemberment insurance and waiver of premium benefits as provided in the State and School Life Insurance Plan.

(c) The insurance company group life insurance plan shall be fully insured, and no form of self-funding life insurance by the company shall be approved.

(d) The insurance company group life insurance plan shall have one (1) composite rate per One Thousand Dollars (\$1,000.00) of coverage for active employees regardless of age and one (1) composite rate per One Thousand Dollars (\$1,000.00) of coverage for all retirees regardless of age or type of retiree.

(e) The insurance company and its group life insurance plan shall comply with any administrative requirements of



the State and School Employees Health Insurance Management Board. If any insurance company providing group life insurance benefits to employees under this subsection (7) fails to comply with any requirements specified in this subsection or any administrative requirements of the board, the state shall discontinue providing funding for the cost of that insurance.

**[From and after July 1 of the year in which Section 25-11-143 becomes effective as provided in subsection (1) of Section 25-11-143, this section shall read as follows:]**

25-15-9. (1) (a) The board shall design a plan of health insurance for state employees that provides benefits for semiprivate rooms in addition to other incidental coverages that the board deems necessary. The amount of the coverages shall be in such reasonable amount as may be determined by the board to be adequate, after due consideration of current health costs in Mississippi. The plan shall also include major medical benefits in such amounts as the board determines. The plan shall provide for coverage for telemedicine services as provided in Section 1 of this act. The board is also authorized to accept bids for such alternate coverage and optional benefits as the board deems proper. Any contract for alternative coverage and optional benefits shall be awarded by the board after it has carefully studied and evaluated the bids and selected the best and most cost-effective bid. The board may reject all of the bids; however, the board shall notify all bidders of the rejection and shall actively solicit new bids if all bids are rejected. The board may employ or contract for such consulting or actuarial services as may be necessary to formulate the plan, and to assist the board in the preparation of specifications and in the process of advertising for the bids for the plan. Those contracts shall be solicited and entered into in accordance with Section 25-15-5. The board shall keep a record of all persons, agents and corporations who contract with or assist the board in preparing and developing the plan. The board in a timely manner shall provide copies of this record to the members of the advisory council created in this section and those legislators, or their designees, who may attend meetings of the advisory council. The board shall provide copies of this record in the solicitation of bids for the administration or servicing of the self-insured program. Each person, agent or corporation that, during the previous fiscal year, has assisted in the development of the plan or employed or compensated any person

who assisted in the development of the plan, and that bids on the administration or servicing of the plan, shall submit to the board a statement accompanying the bid explaining in detail its participation with the development of the plan. This statement shall include the amount of compensation paid by the bidder to any such employee during the previous fiscal year. The board shall make all such information available to the members of the advisory council and those legislators, or their designees, who may attend meetings of the advisory council before any action is taken by the board on the bids submitted. The failure of any bidder to fully and accurately comply with this paragraph shall result in the rejection of any bid submitted by that bidder or the cancellation of any contract executed when the failure is discovered after the acceptance of that bid. The board is authorized to promulgate rules and regulations to implement the provisions of this subsection.

The board shall develop plans for the insurance plan authorized by this section in accordance with the provisions of Section 25-15-5.

Any corporation, association, company or individual that contracts with the board for the third-party claims administration of the self-insured plan shall prepare and keep on file an explanation of benefits for each claim processed. The explanation of benefits shall contain such information relative to each processed claim that the board deems necessary, and, at a minimum, each explanation shall provide the claimant's name, claim number, provider number, provider name, service dates, type of services, amount of charges, amount allowed to the claimant and reason codes. The information contained in the explanation of benefits shall be available for inspection upon request by the board. The board shall have access to all claims information utilized in the issuance of payments to employees and providers.

(b) There is created an advisory council to advise the board in the formulation of the State and School Employees Health Insurance Plan. The council shall be composed of the State Insurance Commissioner, or his designee, an employee-representative of the state institutions of higher learning appointed by the board of trustees thereof, an employee-representative of the Mississippi Department of Transportation appointed by the director thereof, an employee-representative

of the\* \* \* Department of Revenue appointed by the Commissioner of Revenue, an employee-representative of the State Department of Health appointed by the State Health Officer, an employee-representative of the Mississippi Department of Corrections appointed by the Commissioner of Corrections, and an employee-representative of the Mississippi Department of Human Services appointed by the Executive Director of Human Services, two (2) certificated public school administrators appointed by the State Board of Education, two (2) certificated classroom teachers appointed by the State Board of Education, a noncertificated school employee appointed by the State Board of Education and a community/junior college employee appointed by the\* \* \* Mississippi Community College Board.

The Lieutenant Governor may designate the Secretary of the Senate, the Chairman of the Senate Appropriations Committee, the Chairman of the Senate Education Committee and the Chairman of the Senate Insurance Committee, and the Speaker of the House of Representatives may designate the Clerk of the House, the Chairman of the House Appropriations Committee, the Chairman of the House Education Committee and the Chairman of the House Insurance Committee, to attend any meeting of the State and School Employees Insurance Advisory Council. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend the meetings of the council. Those designees shall have no jurisdiction or vote on any matter within the jurisdiction of the council. For attending meetings of the council, the legislators shall receive per diem and expenses, which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the council will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the council without prior approval of the proper committee in their respective houses.

(c) No change in the terms of the State and School Employees Health Insurance Plan may be made effective unless the board, or its designee, has provided notice to the State and School Employees Health Insurance Advisory Council and has called a meeting of the council at least fifteen (15) days before the effective date of the change. If the State and School Employees Health Insurance Advisory Council does

not meet to advise the board on the proposed changes, the changes to the plan will become effective at such time as the board has informed the council that the changes will become effective.

(d) Lifetime maximum: The lifetime maximum amount of benefits payable under the health insurance plan for each participant is Two Million Dollars (\$2,000,000.00).

(2) Nonduplication of benefits - reduction of benefits by Title XIX benefits: When benefits would be payable under more than one (1) group plan, benefits under those plans will be coordinated to the extent that the total benefits under all plans will not exceed the total expenses incurred.

Benefits for hospital or surgical or medical benefits shall be reduced by any similar benefits payable in accordance with Title XIX of the Social Security Act or under any amendments thereto, or any implementing legislation.

Benefits for hospital or surgical or medical benefits shall be reduced by any similar benefits payable by workers' compensation.

(3) (a) Schedule of life insurance benefits - group term: The amount of term life insurance for each active employee of a department, agency or institution of the state government shall not be in excess of One Hundred Thousand Dollars (\$100,000.00), or twice the amount of the employee's annual wage to the next highest One Thousand Dollars (\$1,000.00), whichever may be less, but in no case less than Thirty Thousand Dollars (\$30,000.00), with a like amount for accidental death and dismemberment on a twenty-four-hour basis.

(b) Effective October 1, 1999, schedule of life insurance benefits - group term: The amount of term life insurance for each active employee of any school district, community/junior college, public library, university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children, or any regular nonstudent bus driver shall not be in excess of One Hundred Thousand Dollars (\$100,000.00), or twice the amount of the employee's annual wage to the next highest One Thousand Dollars (\$1,000.00), whichever may be less, but in no case less than Thirty Thousand Dollars (\$30,000.00), with a like amount for accidental death and dismemberment on a twenty-four-hour basis. The plan will further contain a premium waiver provision if a covered



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2209

employee of any school district, community/junior college, public library, university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children, or any regular nonstudent bus driver becomes totally and permanently disabled before age sixty-five (65) years.

(4) Any eligible employee who on March 1, 1971, was participating in a group life insurance program that has provisions different from those included in this article and for which the State of Mississippi was paying a part of the premium may, at his discretion, continue to participate in that plan. The employee shall pay in full all additional costs, if any, above the minimum program established by this article. Under no circumstances shall any individual who begins employment with the state after March 1, 1971, be eligible for the provisions of this subsection.

(5) The board may offer medical savings accounts as defined in Section 71-9-3 as a plan option.

(6) Any premium differentials, differences in coverages, discounts determined by risk or by any other factors shall be uniformly applied to all active employees participating in the insurance plan. It is the intent of the Legislature that the state contribution to the plan be the same for each employee throughout the state.

(7) On October 1, 1999, any school district, community/junior college district or public library may elect to remain with an existing policy or policies of group life insurance with an insurance company approved by the State and School Employees Health Insurance Management Board, in lieu of participation in the State and School Life Insurance Plan. On or after July 1, 2004, until October 1, 2004, any school district, community/junior college district or public library may elect to choose a policy or policies of group life insurance existing on October 1, 1999, with an insurance company approved by the State and School Employees Health Insurance Management Board in lieu of participation in the State and School Life Insurance Plan. The state's contribution of up to fifty percent (50%) of the active employee's premium under the State and School Life Insurance Plan may be applied toward the cost of coverage for full-time employees participating in the approved life insurance company group plan. For purposes of this subsection (7), "life insurance company group plan" means a plan administered or sold by a private insurance



company. After October 1, 1999, the board may assess charges in addition to the existing State and School Life Insurance Plan rates to those employees as a condition of enrollment in the State and School Life Insurance Plan. In order for any life insurance company group plan to be approved by the State and School Employees Health Insurance Management Board under this subsection (7), it shall meet the following criteria:

(a) The insurance company offering the group life insurance plan shall be rated "A-" or better by A.M. Best state insurance rating service and be licensed as an admitted carrier in the State of Mississippi by the Mississippi Department of Insurance.

(b) The insurance company group life insurance plan shall provide the same life insurance, accidental death and dismemberment insurance and waiver of premium benefits as provided in the State and School Life Insurance Plan.

(c) The insurance company group life insurance plan shall be fully insured, and no form of self-funding life insurance by the company shall be approved.

(d) The insurance company group life insurance plan shall have one (1) composite rate per One Thousand Dollars (\$1,000.00) of coverage for active employees regardless of age.

(e) The insurance company and its group life insurance plan shall comply with any administrative requirements of the State and School Employees Health Insurance Management Board. If any insurance company providing group life insurance benefits to employees under this subsection (7) fails to comply with any requirements specified in this subsection or any administrative requirements of the board, the state shall discontinue providing funding for the cost of that insurance.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2308**

**Description:** Commissioners of election; may run for other offices if they resign before they qualify.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* VRA

*Chapter Number:* 474

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (S) | Referred To Elections                   |
| 2  | 01/31 | (S) | Title Suff Do Pass                      |
| 3  | 02/07 | (S) | Passed {Vote}                           |
| 4  | 02/08 | (S) | Transmitted To House                    |
| 5  | 02/21 | (H) | Referred To Apportionment and Elections |
| 6  | 02/28 | (H) | Title Suff Do Pass As Amended           |
| 7  | 03/05 | (H) | Amended                                 |
| 8  | 03/05 | (H) | Passed As Amended {Vote}                |
| 9  | 03/06 | (H) | Returned For Concurrence                |
| 10 | 03/19 | (S) | Concurred in Amend From House {Vote}    |
| 11 | 03/21 | (S) | Enrolled Bill Signed                    |
| 12 | 03/21 | (H) | Enrolled Bill Signed                    |
| 13 | 03/27 |     | Approved by Governor                    |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2308

**Code Section:** A 023-0015-0217

**----- Additional Information -----**

***Senate Committee:*** Elections

***House Committee:*** Apportionment and Elections

***Principal Author:*** McDaniel

*Title:* AN ACT TO AMEND SECTION 23-15-217, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COMMISSIONER OF ELECTION OF A COUNTY MAY SEEK ANOTHER OFFICE DURING HIS FOUR-YEAR TERM AS ELECTION COMMISSIONER IF HE RESIGNS FROM THE OFFICE OF ELECTION COMMISSIONER PRIOR TO QUALIFYING FOR THE OFFICE HE DESIRES TO SEEK; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2308

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Elections

By: Senator(s) McDaniel

**Senate Bill 2308**

(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-217, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COMMISSIONER OF ELECTION OF A COUNTY MAY SEEK ANOTHER OFFICE DURING HIS FOUR-YEAR TERM AS ELECTION COMMISSIONER IF HE RESIGNS FROM THE OFFICE OF ELECTION COMMISSIONER PRIOR TO QUALIFYING FOR THE OFFICE HE DESIRES TO SEEK; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 23-15-217, Mississippi Code of 1972, is amended as follows:

23-15-217. (1) A commissioner of election of any county may be a candidate for any other office at any election held or to be held during the four-year term for which he or she has been elected to the office of commissioner of election or with reference to which he or she has acted as such; provided that he or she has resigned from the office of election commissioner before\* \* \* he or she qualifies for the office which he or she desires to seek.\* \* \*

(2) In any case involving the election of a county election commissioner wherein there is a contest of any nature, including, but not limited to, the right of any person to vote or the counting of any challenge ballot, all the duties and powers of the commission in connection with said contest shall be performed by the board of supervisors, as is contemplated by Section 23-15-215 in cases where there are no commissioners of election in the county.

**SECTION 2.** The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

**2013 GENERAL LAWS OF MISSISSIPPI SB 2308**

**SECTION 3.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2311**

**Description:** Election commissioners; authorize compensation if they conduct primary elections under an agreement with an executive committee.

**Fiscal Note:** No fiscal note conducted .

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* VRA

*Chapter Number:* 456

**History of Actions:**

- 1 01/21 (S) Referred To Elections; Accountability, Efficiency, Transparency
- 2 01/31 (S) DR - TSDP: EL To AC
- 3 02/04 (S) Title Suff Do Pass
- 4 02/07 (S) Passed {Vote}
- 5 02/08 (S) Transmitted To House
- 6 02/21 (H) Referred To Apportionment and Elections; Appropriations
- 7 02/28 (H) DR - TSDP: AE To AP
- 8 03/05 (H) DR - TSDP: AP To AE
- 9 03/05 (H) Title Suff Do Pass
- 10 03/12 (H) Passed {Vote}
- 11 03/13 (H) Transmitted To Senate
- 12 03/18 (S) Enrolled Bill Signed
- 13 03/18 (H) Enrolled Bill Signed
- 14 03/25 Approved by Governor

**Code Section:** A 023-0015-0153

**----- Additional Information -----**

**Senate Committee:** Elections, Accountability, Efficiency, Transparency

**House Committee:** Apportionment and Elections, Appropriations

**Principal Author:** McDaniel

**Additional Authors:** Butler (36th), Gollott

***Title:*** AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COMPENSATION FOR COUNTY ELECTION COMMISSIONERS WHO PERFORM THE DUTIES OF AN EXECUTIVE COMMITTEE WITH REGARD TO THE CONDUCT OF A PRIMARY ELECTION UNDER A WRITTEN AGREEMENT ENTERED INTO WITH AN EXECUTIVE COMMITTEE; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2311

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Elections; Accountability, Efficiency, Transparency

By: Senator(s) McDaniel, Butler (36th), Gollott

### Senate Bill 2311

(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COMPENSATION FOR COUNTY ELECTION COMMISSIONERS WHO PERFORM THE DUTIES OF AN EXECUTIVE COMMITTEE WITH REGARD TO THE CONDUCT OF A PRIMARY ELECTION UNDER A WRITTEN AGREEMENT ENTERED INTO WITH AN EXECUTIVE COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is amended as follows:

23-15-153. (1) At the following times, the commissioners of election shall meet at the office of the registrar and carefully revise the registration books and the pollbooks of the several voting precincts, and shall erase from those books the names of all persons erroneously on the books, or who have died, removed or become disqualified as electors from any cause; and shall register the names of all persons who have duly applied to be registered and have been illegally denied registration:

(a) On the Tuesday after the second Monday in January 1987 and every following year;

(b) On the first Tuesday in the month immediately preceding the first primary election for congressmen in the years when congressmen are elected;

(c) On the first Monday in the month immediately preceding the first primary election for state, state district legislative, county and county district offices in the years in which those offices are elected; and

(d) On the second Monday of September preceding the general election or regular special election day in years in which a general election is not conducted.

Except for the names of those persons who are duly qualified to vote in the election, no name shall be permitted to remain

on the registration books and pollbooks; however, no name shall be erased from the registration books or pollbooks based on a change in the residence of an elector except in accordance with procedures provided for by the National Voter Registration Act of 1993 that are in effect at the time of such erasure. Except as otherwise provided by Section 23-15-573, no person shall vote at any election whose name is not on the pollbook.

(2) Except as provided in this section, and subject to the following annual limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars (\$84.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks as required in subsection (1) of this section:

(a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than fifty (50) days per year, with no more than fifteen (15) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but less than thirty thousand (30,000) residents according to the latest federal decennial census, not more than seventy-five (75) days per year, with no more than twenty-five (25) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than one hundred (100) days per year, with no more than thirty-five (35) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(d) In counties having seventy thousand (70,000) residents according to the latest federal decennial census but less than ninety thousand (90,000) residents according to the latest federal decennial census, not more than one hundred

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2311

twenty-five (125) days per year, with no more than forty-five (45) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents according to the latest federal decennial census, not more than one hundred fifty (150) days per year, with no more than fifty-five (55) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(f) In counties having one hundred seventy thousand (170,000) residents according to the latest federal decennial census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than one hundred seventy-five (175) days per year, with no more than sixty-five (65) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;



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(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the commissioners of election to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks as required in subsection (1) of this section, for not to exceed five (5) days.

(4) The commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars (\$84.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks prior to any special election. For purposes of this subsection, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this subsection.

(5) The commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars (\$84.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the registration books, pollbooks and in the conduct of a runoff election following either a general or special election.

(6) The commissioners of election shall be entitled to receive only one (1) per diem payment for those days when the

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commissioners of election discharge more than one (1) duty or responsibility on the same day.

(7) The county registrar shall prepare the pollbooks and the county commissioners of election shall prepare the registration books of each municipality located within the county pursuant to an agreement between the county and each municipality in the county. The county commissioners of election and the county registrar shall be paid by each municipality for the actual cost of preparing registration books and pollbooks for the municipality and shall pay each county commissioner of election a per diem in the amount provided for in subsection (2) of this section for each day or period of not less than five (5) hours accumulated over two (2) or more days the commissioners are actually employed in preparing the registration books for the municipality, not to exceed five (5) days. The county commissioners of election and county registrar shall provide copies of the registration books and pollbooks to the municipal clerk of each municipality in the county. The municipality shall pay the county registrar for preparing and printing the pollbooks. A municipality may secure "read only" access to the Statewide Centralized Voter System and print its own pollbooks using this information; however, county commissioners of election shall remain responsible for preparing registration books for municipalities and shall be paid for this duty in accordance with this subsection.

(8) County commissioners of election who perform the duties of an executive committee with regard to the conduct of a primary election under a written agreement authorized by law to be entered into with an executive committee shall receive per diem as provided for in subsection (2) of this section. The days that county commissioners of election are employed in the conduct of a primary election shall be treated the same as days county commissioners of election are employed in the conduct of other elections.

( \* \* \* 9) Every commissioner of election shall sign personally a certification setting forth the number of hours actually worked in the performance of the commissioner's official duties and for which the commissioner seeks compensation. The certification must be on a form as prescribed in this subsection. The commissioner's signature is, as a matter of

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law, made under the commissioner's oath of office and under penalties of perjury.

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER

PER DIEM CLAIM FORM

NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

DATE	BEGINNING TIME	ENDING TIME	PURPOSE OF WORK	APPLICABLE MS CODE SECTION	ACTUAL HOURS WORKED	PER DIEM DAYS EARNED
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TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_

PER DIEM RATE PER DAY EARNED

X 84.00

TOTAL AMOUNT OF PER DIEM CLAIMED

\$ \_\_\_\_\_

I understand that I am signing this document under my oath as a commissioner of election and under penalties of perjury.

I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Commissioner's Signature

When properly completed and signed, the certification must be filed with the clerk of the county board of supervisors before any payment may be made. The certification will be a public record available for inspection and reproduction immediately upon the oral or written request of any person.

Any person may contest the accuracy of the certification in any respect by notifying the chairman of the commission, any member of the board of supervisors or the clerk of the board of supervisors of such contest at any time before or after payment is made. If the contest is made before payment is

made, no payment shall be made as to the contested certificate until the contest is finally disposed of. The person filing the contest shall be entitled to a full hearing, and the clerk of the board of supervisors shall issue subpoenas upon request of the contestor compelling the attendance of witnesses and production of documents and things. The contestor shall have the right to appeal de novo to the circuit court of the involved county, which appeal must be perfected within thirty (30) days from a final decision of the commission, the clerk of the board of supervisors or the board of supervisors, as the case may be.

Any contestor who successfully contests any certification will be awarded all expenses incident to his contest, together with reasonable attorney's fees, which will be awarded upon petition to the chancery court of the involved county upon final disposition of the contest before the election commission, board of supervisors, clerk of the board of supervisors, or, in case of an appeal, final disposition by the court. The commissioner against whom the contest is decided shall be liable for the payment of the expenses and attorney's fees, and the county shall be jointly and severally liable for same.

( \* \* \* 10 ) Any commissioner of election who has not received a certificate issued by the Secretary of State pursuant to Section 23-15-211 indicating that the commissioner of election has received the required elections seminar instruction and that the commissioner of election is fully qualified to conduct an election, shall not receive any compensation authorized by this section, Section 23-15-491 or Section 23-15-239.

**SECTION 2.** The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

**SECTION 3.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2342**

**Description:** ICFMR operated by Department of Mental Health; authorize transfer of beds to more appropriate setting for clients.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 443

**History of Actions:**

- 1 01/21 (S) Referred To Public Health and Welfare;  
Appropriations
- 2 01/30 (S) DR - TSDP: PH To AP
- 3 02/05 (S) Title Suff Do Pass
- 4 02/11 (S) Passed {Vote}
- 5 02/12 (S) Transmitted To House
- 6 02/21 (H) Referred To Public Health and Human  
Services; Appropriations
- 7 02/28 (H) DR - TSDP: PH To AP
- 8 03/05 (H) DR - TSDP: AP To PH
- 9 03/05 (H) Title Suff Do Pass
- 10 03/11 (H) Read the Third Time
- 11 03/12 (H) Passed {Vote}
- 12 03/13 (H) Transmitted To Senate
- 13 03/18 (S) Enrolled Bill Signed
- 14 03/18 (H) Enrolled Bill Signed
- 15 03/25 Approved by Governor

**----- Additional Information -----**

**Senate Committee:** Public Health and Welfare, Appropriations

**House Committee:** Public Health and Human Services, Appropriations

**Principal Author:** Kirby

**Additional Authors:** Burton



**Title:** AN ACT TO CODIFY SECTION 41-4-18, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO CONTRACT FOR THE TRANSFER OF BEDS TO OTHER PRIVATE OR PUBLIC ENTITY SETTINGS MORE APPROPRIATE FOR CLIENTS, AND TO SPECIFY THAT THE LICENSE SHALL REMAIN IN THE NAME OF THE DEPARTMENT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2342

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare; Appropriations

By: Senator(s) Kirby, Burton

**Senate Bill 2342**

(As Sent to Governor)

AN ACT TO CODIFY SECTION 41-4-18, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO CONTRACT FOR THE TRANSFER OF BEDS TO OTHER PRIVATE OR PUBLIC ENTITY SETTINGS MORE APPROPRIATE FOR CLIENTS, AND TO SPECIFY THAT THE LICENSE SHALL REMAIN IN THE NAME OF THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following shall be codified as Section 41-4-18, Mississippi Code of 1972:

41-4-18. (1) Notwithstanding Section 41-7-191(11) and Section 41-7-171 et seq., Mississippi Code of 1972, or any other section of law, the Department of Mental Health shall have the authority to contract with private and/or public entities to transfer beds within Intermediate Care Facilities for the Mentally Retarded owned and operated by the Department of Mental Health to locations owned and operated by private and/or public entities for the purpose of serving individuals with intellectual disabilities in the settings most appropriate to meet their needs.

(2) Any license granted to the Department of Mental Health by the Department of Health for the operation of transferred Intermediate Care Facility for the Mentally Retarded beds shall remain in the name of the Department of Mental Health and shall not be transferred into the name of the contractor unless the contractor has received the appropriate certificates of need.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2405**

**Description:** Retirement; authorize counties to pay PERS employer contributions on net fee income of constables.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* October 1, 2013

*Chapter Number:* 488

**History of Actions:**

- 1 01/21 (S) Referred To Finance
- 2 01/31 (S) Title Suff Do Pass Comm Sub
- 3 02/07 (S) Committee Substitute Adopted
- 4 02/07 (S) Passed {Vote}
- 5 02/08 (S) Transmitted To House
- 6 02/20 (H) Referred To Fees and Salaries of Public

**Officers; Appropriations**

- 7 02/28 (H) DR - TSDPAA: FS To AP
- 8 03/05 (H) DR - TSDPAA: AP To FS
- 9 03/05 (H) Title Suff Do Pass As Amended
- 10 03/12 (H) Amended
- 11 03/12 (H) Passed As Amended {Vote}
- 12 03/13 (H) Returned For Concurrence
- 13 03/22 (S) Concurred in Amend From House {Vote}
- 14 03/27 (S) Enrolled Bill Signed
- 15 03/27 (H) Enrolled Bill Signed
- 16 04/03 Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2405

**Code Section:** A 025-0011-0106, A 025-0011-0123, A 025-0011-0125

**----- Additional Information -----**

**Senate Committee:** Finance

***House Committee:*** Fees and Salaries of Public Officers, Appropriations

***Principal Author:*** Blount

***Additional Authors:*** Dawkins, Frazier, Jackson (11th), Jordan

***Title:*** AN ACT TO AMEND SECTIONS 25-11-106, 25-11-123 AND 25-11-125, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES TO PAY TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE REQUIRED EMPLOYER CONTRIBUTIONS ON THE NET FEE INCOME OF EACH CONSTABLE HOLDING OFFICE IN THE COUNTY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2405

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Blount, Dawkins, Frazier, Jackson (11th),  
Jordan

**Senate Bill 2405**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 25-11-106, 25-11-123 AND 25-11-125, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES TO PAY TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE REQUIRED EMPLOYER CONTRIBUTIONS ON THE NET FEE INCOME OF EACH CONSTABLE HOLDING OFFICE IN THE COUNTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-11-106, Mississippi Code of 1972, is amended as follows:

25-11-106. (1) (a) Any constable in office as of July 1, 2005, whose position is covered in the Public Employees' Retirement System by virtue of a plan submitted and approved under Section 25-11-105(f) will remain a member of the Public Employees' Retirement System.

(b) (i) The county is responsible for employer contributions on all direct payments to the constable from the county\* \* \*.

(ii) Except as otherwise provided in subparagraph (iii) of this paragraph, the constable is responsible for the employee contributions on\* \* \* direct payments to the constable from the county and both the employer and employee share of contributions on his or her net fee income.

(iii) For contributions required for calendar year 2014 and any calendar year thereafter, the county may elect, by majority vote of the board of supervisors spread upon its minutes, to be responsible for the employer share of contributions on the net fee income of its constables. If the county elects to be responsible for employer contributions under this provision, the election shall be irrevocable until the board of supervisors takes office for the next succeeding term of office at which time the board may elect whether to continue the election. Notice shall be given to the executive



director of any election made under this subparagraph (iii) within five (5) days after the election is made.

( \* \* \* c) From and after January 1, 2006, in cases in which the constable is responsible for both the employer and employee contributions on net fee income, the county shall withhold from fee income due to the constable a percentage amount, as set by the board, of the gross fee income paid to the constable as estimated retirement contributions and shall remit that amount to the system. Not later than the date on which the annual report of earnings is due to be filed\* \* \* as provided in Section 7-3-45, the constable shall submit to the system a copy of the earnings record and make complete payment of any required contributions on net earnings from his or her office, but not less than the contributions due on the governmental treasuries paid by the county in the prior calendar year. If the constable fails to make full payment of contributions at the time required, the system shall certify the delinquency to the county and the county shall withhold any and all payments and fees due to the constable until such time as his or her retirement contributions are fully reported and made.

(2) Any current or former constable for whom appropriate employer and employee contributions and interest on all fees and county income from covered service before January 1, 2006, have not been made shall do one (1) of the following:

(a) Make the required payments or enter into an irrevocable agreement by not later than December 31, 2005, to make the payments for all calendar years before January 1, 2006. Contributions and interest due and owing for covered services before January 1, 2006, must be received by the system not later than April 15, 2007, or such date as set forth in the payment schedule mutually adopted by the member and the system.

(b) Elect, before December 31, 2005, not to pay delinquent employee and employer contributions and applicable interest for service as a constable before January 1, 2006. By making this election, the current or former constable shall irrevocably forfeit that service credit so as to be relieved of the liability for additional employer and employee contributions and applicable interest.

(3) Where a current or former constable fails to make required contributions as provided in subsection (2)(a)

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2405

of this section, or where a current or former constable irrevocably elects to forfeit service credit as provided in subsection (2)(b) of this section, all employer and employee contributions previously paid on that service shall be credited to the county as the reporting entity to be distributed as appropriate between the county and the constable or former constable. No further contributions shall be due on that past service and any credit on that past service shall be removed from the member's record and may not be reinstated at any time in the future.

**SECTION 2.** Section 25-11-123, Mississippi Code of 1972, is amended as follows:

25-11-123. All of the assets of the system shall be credited according to the purpose for which they are held to one (1) of four (4) reserves; namely, the annuity savings account, the annuity reserve, the employer's accumulation account, and the expense account.

(a) **Annuity savings account.** In the annuity savings account shall be accumulated the contributions made by members to provide for their annuities, including interest thereon which shall be posted monthly. Credits to and charges against the annuity savings account shall be made as follows:

(1) Beginning July 1, 2010, the employer shall cause to be deducted from the salary of each member on each and every payroll of the employer for each and every payroll period nine percent (9%) of earned compensation as defined in Section 25-11-103. Future contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation; however, any member earning at a rate less than Sixteen Dollars and Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars (\$200.00) per year, shall contribute not less than One Dollar (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

(2) The deductions provided\* \* \* in paragraph (1) of this subsection shall be made notwithstanding that the minimum compensation provided by law for any member is reduced\* \* \* by the deduction. Every member shall be deemed to consent and agree to the deductions made and provided for\* \* \* in paragraph (1) of this section and shall receipt for his full salary or compensation, and payment of salary or compensation less the deduction shall be a full and complete discharge

and acquittance of all claims and demands whatsoever for the services rendered by the person during the period covered by the payment, except as to the benefits provided under Articles 1 and 3. The board shall provide by rules for the methods of collection of contributions from members and the employer. The board shall have full authority to require the production of evidence necessary to verify the correctness of amounts contributed.

(b) **Annuity reserve.** The annuity reserve shall be the account representing the actuarial value of all annuities in force, and to it shall be charged all annuities and all benefits in lieu of annuities, payable as provided in this article. If a beneficiary retired on account of disability is restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the remainder of his contributions shall be transferred from the annuity reserve to the annuity savings account and credited to his individual account therein, and the balance of his annuity reserve shall be transferred to the employer's accumulation account.

(c) **Employer's accumulation account.** The employer's accumulation account shall represent the accumulation of all reserves for the payment of all retirement allowances and other benefits payable from contributions made by the employer, and against this account shall be charged all retirement allowances and other benefits on account of members. Credits to and charges against the employer's accumulation account shall be made as follows:

(1) On account of each member there shall be paid monthly into the employer's accumulation account by the employers for the preceding fiscal year an amount equal to a certain percentage of the total earned compensation, as defined in Section 25-11-103, of each member. The percentage rate of those contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation. Beginning January 1, 1990, the rate shall be fixed at nine and three-fourths percent (9-3/4%). The board shall reduce the employer's contribution rate by one percent (1%) from and after July 1 of the year following the year in which the board determines and the board's actuary certifies that the employer's contribution rate can be reduced by that amount

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2405

without causing the unfunded accrued actuarial liability amortization period for the retirement system to exceed twenty (20) years. Political subdivisions joining Article 3 of the Public Employees' Retirement System after July 1, 1968, may adjust the employer's contributions by agreement with the Board of Trustees of the Public Employees' Retirement System to provide service credits for any period before execution of the agreement based upon an actuarial determination of employer's contribution rates.

(2) On the basis of regular interest and of such mortality and other tables as are adopted by the board of trustees, the actuary engaged by the board to make each valuation required by this article during the period over which the accrued liability contribution is payable, immediately after making that valuation, shall determine the uniform and constant percentage of the earnable compensation of each member which, if contributed by the employer on the basis of compensation of the member throughout his entire period of membership service, would be sufficient to provide for the payment of any retirement allowance payable on his account for that service. The percentage rate so determined shall be known as the "normal contribution rate." After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the percentage rate of the salary of all members obtained by deducting from the total liabilities on account of membership service the amount in the employer's accumulation account, and dividing the remainder by one percent (1%) of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the board of trustees and regular interest. The normal rate of contributions shall be determined by the actuary after each valuation.

(3) The total amount payable in each year to the employer's accumulation account shall not be less than the sum of the percentage rate known as the "normal contribution rate" and the "accrued liability contribution rate" of the total compensation earnable by all members during the preceding year, provided that the payment by the employer shall be sufficient, when combined with the amounts in the account, to provide the allowances and other benefits chargeable to this account during the year then current.



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(4) The accrued liability contribution shall be discontinued as soon as the accumulated balance in the employer's accumulation account shall equal the present value, computed on the basis of the normal contribution rate then in force, or the prospective normal contributions to be received on account of all persons who are at that time members.

(5) All allowances and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service credit, payable from contributions of the employer, shall be paid from the employer's accumulation account.

(6) Upon the retirement of a member, an amount equal to his retirement allowance shall be transferred from the employer's accumulation account to the annuity reserve.

(7) The employer's accumulation account shall be credited with any assets authorized by law to be credited to the account.

(d) **Expense account.** The expense account shall be the account to which the expenses of the administration of the system shall be charged, exclusive of amounts payable as retirement allowances and as other benefits provided herein. The Legislature shall make annual appropriations in amounts sufficient to administer the system, which shall be credited to this account. There shall be transferred to the State Treasury from this account, not less than once per month, an amount sufficient for payment of the estimated expenses of the system for the succeeding thirty (30) days. Any interest earned on the expense account shall accrue to the benefit of the system. However, notwithstanding the provisions of Sections 25-11-15(10) and 25-11-105(f)(v)5, all expenses of the administration of the system shall be paid from the interest earnings, provided the interest earnings are in excess of the actuarial interest assumption as determined by the board, and provided the present cost of the administrative expense fee of two percent (2%) of the contributions reported by the political subdivisions and instrumentalities shall be reduced to one percent (1%) from and after July 1, 1983, through June 30, 1984, and shall be eliminated thereafter.

(e) **Collection of contributions.** The employer shall cause to be deducted on each and every payroll of a member for each and every payroll period, beginning subsequent to



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January 31, 1953, the contributions payable by the member as provided in Articles 1 and 3.

The employer shall make deductions from salaries of employees as provided in Articles 1 and 3 and shall transmit monthly, or at such time as the board of trustees designates, the amount specified to be deducted to the Executive Director of the Public Employees' Retirement System. The executive director, after making a record of all those receipts, shall deposit such amounts as provided by law.

(f) (1) Upon the basis of each actuarial valuation provided herein, the board of trustees shall biennially determine the normal contribution rate and the accrued liability contribution rate as provided in this section. The sum of these two (2) rates shall be known as the "employer's contribution rate." Beginning on earned compensation effective January 1, 1990, the rate computed as provided in this section shall be nine and three-fourths percent (9-3/4%). The board shall reduce the employer's contribution rate by one percent (1%) from and after July 1 of the year following the year in which the board determines and the board's actuary certifies that the employer's contribution rate can be reduced by that amount without causing the unfunded accrued actuarial liability amortization period for the retirement system to exceed twenty (20) years. The percentage rate of those contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation.

(2) The amount payable by the employer on account of normal and accrued liability contributions shall be determined by applying the employer's contribution rate to the amount of compensation earned by employees who are members of the system. Monthly, or at such time as the board of trustees designates, each department or agency shall compute the amount of the employer's contribution payable, with respect to the salaries of its employees who are members of the system, and shall cause that amount to be paid to the board of trustees from the personal service allotment of the amount appropriated for the operation of the department or agency, or from funds otherwise available to the agency, for the payment of salaries to its employees.

(3) Except as otherwise provided in Section 25-11-106:

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2405

(i) Constables shall pay employer and employee contributions on their net fee income as well as the employee contributions on all direct treasury or county payroll income.

(ii) The county shall be responsible for the employer contribution on all direct treasury or county payroll income of constables.

(4) Except as otherwise provided in Section 25-11-106.1, chancery and circuit clerks shall be responsible for both the employer and employee share of contributions on the proportionate share of net income attributable to fees, as well as the employee share of net income attributable to direct treasury or county payroll income, and the employing county shall be responsible for the employer contributions on the net income attributable to direct treasury or county payroll income.

(5) Once each year, under procedures established by the system, each employer shall submit to the Public Employees' Retirement System a copy of their report to Social Security of all employees' earnings.

(6) The board shall provide by rules for the methods of collection of contributions of employers and members. The amounts determined due by an agency to the various funds as specified in Articles 1 and 3 are made obligations of the agency to the board and shall be paid as provided herein. Failure to deduct those contributions shall not relieve the employee and employer from liability thereof. Delinquent employee contributions and any accrued interest shall be the obligation of the employee and delinquent employer contributions and any accrued interest shall be the obligation of the employer. The employer may, in its discretion, elect to pay any or all of the interest on delinquent employee contributions. From and after July 1, 1996, under rules and regulations established by the board, all employers are authorized and shall transfer all funds due to the Public Employees' Retirement System electronically and shall transmit any wage or other reports by computerized reporting systems.

**SECTION 3.** Section 25-11-125, Mississippi Code of 1972, is amended as follows:

25-11-125. (1) The board of supervisors\* \* \* may appropriate and include in its budget for public purposes a sufficient sum to pay the required employer contribution

to the Public Employees' Retirement System for all fee paid elected officials in judicial capacities of the county and supervisors' districts, and\* \* \* those contributions shall be included by the clerk of the board in his regular reports and remittals to the Executive\* \* \* Director of the Public Employees' Retirement System for other county officers and regular county employees whose employer contributions are not included in and paid from the annual county budget.

(2) If the county elects to be responsible for contributions on the net fee income of the constable, the board of supervisors of the county shall appropriate and include in its budget a sufficient sum to pay to the Public Employees' Retirement System for each constable holding office in that county the required employer contributions on the net fee income and all direct payments to the constable from the county, and those contributions shall be handled by the clerk of the board in the manner required by subsection (1) of this section.

**SECTION 4.** This act shall take effect and be in force from and after October 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2451**

**Description:** Harvest permits; extend repealers on authority of MDOT to issue and provisions establishing maximum weight of such vehicles.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 485

**History of Actions:**

- 1 01/21 (S) Referred To Highways and Transportation
- 2 01/30 (S) Title Suff Do Pass
- 3 02/06 (S) Passed {Vote}
- 4 02/06 (S) Motion to Reconsider Entered
- 5 02/11 (S) Reconsidered
- 6 02/11 (S) Amended
- 7 02/11 (S) Passed As Amended {Vote}
- 8 02/13 (S) Transmitted To House
- 9 02/21 (H) Referred To Transportation
- 10 02/27 (H) Title Suff Do Pass As Amended
- 11 02/28 (H) Amended
- 12 02/28 (H) Passed As Amended {Vote}
- 13 03/01 (H) Returned For Concurrence
- 14 03/22 (S) Concurred in Amend From House {Vote}
- 15 03/27 (S) Enrolled Bill Signed
- 16 03/27 (H) Enrolled Bill Signed
- 17 04/03 Approved by Governor

**Amendments:**

[S] Amendment No 1 *Adopted* Voice Vote

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2451

**Code Section:** A 027-0019-0081, A 063-0005-0033

----- Additional Information -----

**2013 GENERAL LAWS OF MISSISSIPPI SB 2451**

***Senate Committee:*** Highways and Transportation

***House Committee:*** Transportation

***Principal Author:*** Simmons (13th)

***Title:*** AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING CERTAIN PRODUCTS; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI SB 2451

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Highways and Transportation

By: Senator(s) Simmons (13th)

**Senate Bill 2451**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING CERTAIN PRODUCTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-19-81, Mississippi Code of 1972, is amended as follows:

27-19-81. (1) No vehicle shall be registered by the\* \* \* Department of Revenue or by a tax collector, and no license tag whatsoever shall be issued therefor, where the gross weight of such vehicle exceeds the limits provided by law. In the event of an emergency requiring the hauling of a greater gross weight than permitted by law, the owner or operator of such vehicle shall obtain an excess weight authorization from the Mississippi Department of Transportation or local authority having jurisdiction of the particular road, street or highway before operating such vehicle on the highways of this state to haul such a gross weight over a route to be designated by the aforesaid department. It shall then be necessary for the owner or operator of the vehicle to obtain a permit from the Transportation Department, which shall be issued by the department under the same provisions as are provided for the issuance of trip permits under Section 27-19-79, but which permit shall likewise be obtained prior to the operation of such vehicle on the highways. No persons or agencies other than the Mississippi Department of Transportation shall have authority to issue the permits provided for in this section. The fee to be charged for such permits shall be computed in the same manner provided in Section 27-19-79 for each one thousand (1,000) pounds, or fractional part thereof, of gross weight above the licensed capacity of the vehicle, up to the maximum legal weights provided by this article on the roads to be traveled.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2451

This subsection shall apply, but not be limited to, any tractor, road roller or road machinery used solely and specifically in road building or other highway construction or maintenance work.

For each one thousand (1,000) pounds, or fractional part thereof, in excess of the weight authorized by Sections 63-5-29 and 63-5-33 for any such vehicle or in excess of the limits set by the Transportation Department for specified roads and bridges, the fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state, except that the fee for manufactured housing modular units, residential or commercial, shall be Two Cents (2¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state. Provided, however, no permit shall be issued for a fee of less than Ten Dollars (\$10.00).

The Transportation Department may provide for an annual permit which will allow preapproved vehicles and loads to travel predesignated routes with self-issued permits. Under such self-issuance authority, the owner of the vehicle shall complete the permit in a format designated by the department, electronically transmit a copy to the department prior to the move, and ensure that a copy is in the possession of the operator. Vehicles having a gross weight exceeding the limits provided by law that have a nondivisible gross vehicle weight of ninety-five thousand (95,000) pounds or less, which are otherwise legal, shall not be restricted as to the hours of the day such vehicles may be operated on predesignated routes. The department shall bill the vehicle owner according to the provisions of the preceding paragraph. The department is authorized to modify predesignated routes at any time for cause, such as highway construction or hazardous highway conditions. The annual fee for the self-issuance permit authority obtained pursuant to this paragraph shall be Five Hundred Dollars (\$500.00) per owner, regardless of the number of vehicles which he will operate pursuant to such permit, in addition to any other fees required by this section. Any vehicle and load being operated pursuant to this paragraph for which the operator does not have the permit or a copy thereof in his possession, or for which a copy of the permit was not electronically transmitted to the department, shall be deemed not to have a permit and shall be penalized accordingly.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2451

It shall not be necessary for the owner or operator of a vehicle to obtain a permit pursuant to this subsection if such owner or operator has obtained for his vehicle an annual special permit for vehicles transporting heavy equipment pursuant to Section 63-5-52.

(2) Before operating a vehicle where the size of the load being hauled is in excess of that permitted by law, the owner or operator of such vehicle shall obtain excess size authorization from the Transportation Department or proper local authority and an excess size permit from the Transportation Department. Such excess size permit shall be issued by the Mississippi Department of Transportation under the same provisions as are provided for the issuance of trip permits under Section 27-19-79, and it shall be obtained prior to the operation of such vehicle on the highways. The fee to be charged for such excess size permit shall be Ten Dollars (\$10.00) per trip. Such permits may be issued for an extended period of time and must coincide with the expiration date and other provisions of the carrier's permit or authorization issued by the Transportation Department or local authority. The fee for such extended permits shall be based upon an annual fee of One Hundred Dollars (\$100.00) per carrier. No permit shall be issued under this subsection if the issuance of the permit would violate federal law or would cause the State of Mississippi to lose federal aid funds. This subsection shall not apply to any tractor, road roller or road machinery used solely and specifically in road building or other highway construction or maintenance work or to any machinery or equipment operated on the highways or transported thereon in the course of normal farming activities, including cotton module transporters.

(3) The Executive Director of the Mississippi Department of Transportation may authorize certain carriers of property to issue overweight and/or oversize permits for vehicles owned or operated by such carriers, provided such carriers have blanket authorization from the Transportation Commission and also meet other requirements established by the Transportation Commission.

(4) The owner or operator of a vehicle hauling sand, gravel, wood chips, wood shavings, sawdust, fill dirt, agricultural products or unprocessed forestry products may apply to the Mississippi Department of Transportation for a harvest permit

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2451

for the purpose of authorizing any such vehicles to operate on the highways in this state (other than the federal interstate system or those highways designated by the Mississippi Department of Transportation as not capable of carrying more than fifty-seven thousand six hundred fifty (57,650) pounds at the maximum gross weight specified in Section 63-5-33). Harvest permits may be issued and are valid to permit any such vehicle to be operated on a highway in this state that has been designated by the Mississippi Department of Transportation as not capable of carrying more than fifty-seven thousand six hundred fifty (57,650) pounds only if such vehicle operates in compliance with the provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars (\$25.00) shall be charged for each permit issued. The permit shall be in the form of a decal which shall be affixed to each permitted vehicle on the upper left corner of the windshield on the driver's side. Each permit shall expire one (1) year from its date of issue. The fees collected under this subsection shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each of the counties of the state on an equal basis. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended. This subsection (4) shall stand repealed from and after July 1,\*  
\* \* 2016.

(5) Any owner or operator who has met the requirements set by the Mississippi Transportation Commission may defer payment of permits issued by the department until the end of the current month. If full payment is not received by the twentieth of the following month, there may be added as damages to the total amount of the delinquency or deficiency the following percentages: ten percent (10%) for the first offense; fifteen percent (15%) for the second offense; and twenty-five percent (25%) for the third and any subsequent offense. Upon the third offense, the department may suspend the privilege to defer payment. The balance due shall become payable upon notice and demand by the department.

(6) The permit fee monies collected under this section, except as provided for in subsection (4) of this section, shall be deposited into the State Highway Fund for the construction,



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maintenance and reconstruction of highways and roads of the State of Mississippi or the payment of interest and principal on bonds authorized by the Legislature for construction and reconstruction of highways.

(7) The department may waive the permits, taxes and fees set forth in this section whenever a motor vehicle is operated upon the public highways in this state in response to an emergency, a major disaster or the threat of a major disaster.

**SECTION 2.** Section 63-5-33, Mississippi Code of 1972, is amended as follows:

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying the maximum load limits and, in addition thereto, such other highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows:  $W=500(LN/N-1+12N+36)$  where  $W$ =maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds,  $L$ =distance in feet between the extremes of any group of two (2) or more consecutive axles, and  $N$ =number of axles in any group under consideration.

TABLE III

DISTANCE  
IN FEET  
BETWEEN THE  
EXTREMES OF  
ANY GROUP



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OF 2 OR MORE

CONSECUTIVE  
AXLES

MAXIMUM LOAD IN POUNDS CARRIED ON ANY  
GROUP OF 2 OR MORE CONSECUTIVE AXLES

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000		Axle groups in			
7	34,000					
8 and less	34,000	34,000	these spacings			
More than						
8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500	impractical			
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000

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32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	80,000
36		66,000	70,500	75,500	80,000
37		66,500	71,000	76,000	80,000
38		67,500	71,500	77,000	80,000
39		68,000	72,500	77,500	80,000
40		68,500	73,000	78,000	80,000
41		69,500	73,500	78,500	80,000
42		70,000	74,000	79,000	80,000
43		70,500	75,000	80,000	80,000
44		71,500	75,500	80,000	80,000
45		72,000	76,000	80,000	80,000
46		72,500	76,500	80,000	80,000
47		73,500	77,500	80,000	80,000
48		74,000	78,000	80,000	80,000
49		74,500	78,500	80,000	80,000
50		75,500	79,000	80,000	80,000
51		76,000	80,000	80,000	80,000
52		76,500	80,000	80,000	80,000
53		77,500	80,000	80,000	80,000
54		78,000	80,000	80,000	80,000
55		78,500	80,000	80,000	80,000
56		79,500	80,000	80,000	80,000
57		80,000	80,000	80,000	80,000

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized gross vehicle weight, tandem or axle weight; except that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%). Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed eighty-four thousand (84,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, wood chips, wood shavings, sawdust, fill dirt and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state. The tolerance shall not be allowed for vehicles loading at a point of origin having scales available for weighing each individual axle of the vehicle; provided, however, that vehicles loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds.

(4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem, and a tolerance not to exceed five percent

(5%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight not to exceed eighty-four thousand (84,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

(b) Any owner or operator who has been issued a harvest permit and who wishes to operate a vehicle on the roads, streets or highways under the jurisdiction of a county or municipality at a gross vehicle weight greater than the weight allowed by law or greater than the maximum weight established for such roads, streets or highways by the board of supervisors or municipal governing authorities, shall notify, in writing, the board of supervisors or the governing authorities, as the case may be, before operating such vehicle on the roads, streets or highways of such county or municipality. In his notice, the permit holder shall identify the routes over which he intends to operate vehicles for which the permit has been issued and the dates or time period during which he will be operating such vehicles. The board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2451

the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Anytime a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this subsection shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, \* \* \* 2016.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the interstate highway system of this state on January 4, 1975.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2013.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2462**

**Description:** Mississippi Motion Picture Incentive Act; increase the amount of rebates authorized under.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 490

**History of Actions:**

- 1 01/21 (S) Referred To Economic Development; Finance
- 2 01/30 (S) DR - TSDPCS: EC To FI
- 3 02/05 (S) Title Suff Do Pass Comm Sub
- 4 02/06 (S) Committee Substitute Adopted
- 5 02/06 (S) Passed {Vote}
- 6 02/06 (S) Immediate Release
- 7 02/06 (S) Transmitted To House
- 8 02/21 (H) Referred To Tourism; Ways and Means
- 9 02/27 (H) DR - TSDP: TO To WM
- 10 03/05 (H) DR - TSDP: WM To TO
- 11 03/05 (H) Title Suff Do Pass
- 12 03/12 (H) Amended
- 13 03/12 (H) Passed As Amended {Vote}
- 14 03/13 (H) Returned For Concurrence
- 15 03/21 (S) Decline to Concur/Invite Conf
- 16 03/25 (S) Conferees Named Horhn, Gollott, Moran
- 17 03/29 (H) Conferees Named  
Martinson, Whittington, Rogers (61st)
- 18 04/01 (S) Conference Report Filed
- 19 04/01 (H) Conference Report Filed
- 20 04/02 (H) Conference Report Adopted {Vote}
- 21 04/02 (S) Conference Report Adopted {Vote}
- 22 04/02 (S) Immediate Release
- 23 04/04 (S) Enrolled Bill Signed

2013 GENERAL LAWS OF MISSISSIPPI SB 2462

24 04/04 (H) Enrolled Bill Signed  
25 04/12 Approved by Governor

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2462

Conference Reports:

Conference Report

**Code Section:** A 057-0089-0003, A 057-0089-0007

**----- Additional Information -----**

**Senate Committee:** Economic Development, Finance

**House Committee:** Tourism, Ways and Means

**Principal Author:** Horhn

**Additional Authors:** Burton, Butler (36th), Butler (38th), Chassaniol, Dawkins, Fillingane, Jackson (11th), Jackson (32nd), Jordan, Montgomery, Simmons (12th), Simmons (13th), Sojourner, Tindell, Wiggins

**Title:** AN ACT TO AMEND SECTION 57-89-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "MOTION PICTURE" AND "MOTION PICTURE PRODUCTION COMPANY" UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT TO INCLUDE COMPUTER OR VIDEO GAMES; TO AMEND SECTION 57-89-7, MISSISSIPPI CODE OF 1972, TO INCREASE TO \$5,000,000.00 THE AMOUNT OF PAYROLL THAT MAY BE APPLIED TO THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT REBATE; TO AUTHORIZE A MOTION PICTURE PRODUCTION COMPANY TO RECEIVE A REBATE EQUAL TO 5% OF THE PAYROLL PAID FOR ANY EMPLOYEE WHO IS A VETERAN OF THE UNITED STATES ARMED FORCES; TO INCREASE THE TOTAL AMOUNT OF REBATES THAT A MOTION PICTURE PRODUCTION COMPANY MAY RECEIVE FOR A MOTION PICTURE PROJECT UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT TO \$10,000,000.00; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL NOT APPROVE A REBATE UNDER CERTAIN PROVISIONS OF THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT AFTER JULY 1, 2016; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2462

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Economic Development; Finance

By: Senator(s) Horhn, Burton, Butler (36th), Butler (38th), Chassaniol, Dawkins, Fillingane, Jackson (11th), Jackson (32nd), Jordan, Montgomery, Simmons (12th), Simmons (13th), Sojourner, Tindell, Wiggins

**Senate Bill 2462**

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-89-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "MOTION PICTURE" AND "MOTION PICTURE PRODUCTION COMPANY" UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT TO INCLUDE COMPUTER OR VIDEO GAMES; TO AMEND SECTION 57-89-7, MISSISSIPPI CODE OF 1972, TO INCREASE TO \$5,000,000.00 THE AMOUNT OF PAYROLL THAT MAY BE APPLIED TO THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT REBATE; TO AUTHORIZE A MOTION PICTURE PRODUCTION COMPANY TO RECEIVE A REBATE EQUAL TO 5% OF THE PAYROLL PAID FOR ANY EMPLOYEE WHO IS A VETERAN OF THE UNITED STATES ARMED FORCES; TO INCREASE THE TOTAL AMOUNT OF REBATES THAT A MOTION PICTURE PRODUCTION COMPANY MAY RECEIVE FOR A MOTION PICTURE PROJECT UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT TO \$10,000,000.00; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL NOT APPROVE A REBATE UNDER CERTAIN PROVISIONS OF THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT AFTER JULY 1, 2016; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 57-89-3, Mississippi Code of 1972, is amended as follows:

57-89-3. As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Base investment" means the actual investment made and expended in Mississippi by a motion picture production company in connection with the production of a state-certified production in the state. The term "base investment" includes amounts expended in Mississippi by a motion picture production company as per diem and housing allowances in connection with the production of a state-certified production in the state. The term "base investment" shall not include payroll.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2462

(b) "Employee" means an individual directly involved in the physical production and/or post-production of a motion picture produced in the state and who is employed by a:

(i) Motion picture production company that is directly involved in the physical production and/or post-production of a motion picture in the state;

(ii) Personal service corporation retained by a motion picture production company to provide persons used directly in the physical production and/or post-production of a motion picture in the state; or

(iii) Payroll service or loan-out company that is retained by a motion picture production company to provide employees who work directly in the physical production and/or post-production of a motion picture in the state.

(c) "Motion picture" means a nationally distributed feature-length film, video, DVD, television program or series, \* \* \* commercial, or computer or video game made in Mississippi, in whole or in part, for theatrical or DVD release or television viewing or as a television pilot or viewing through streaming video or Internet delivery, or for playing on a video game console, personal computer or handheld device. The term "motion picture" shall not include the production of television coverage of news and athletic events, or a film, video, DVD, television program, series, or commercial that contains any material or performance defined in Section 97-29-103.

(d) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, DVDs, television programs or series, \* \* \* commercials, or computer or video games intended for a theatrical release\* \* \*, for television viewing or for playing on a video game console, personal computer or handheld device. The term "motion picture production company" includes a company engaged in the business of making such productions through the use of animation, interactive media, preproduction and post-production 3D applications, video game cinematics, virtual production, visual effects, and motion capture within the fields of feature film, television, commercials and games. The term "motion picture production company" shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state,



or any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

(e) "Payroll" means salary, wages or other compensation including related benefits paid to employees upon which Mississippi income tax is due and has been withheld.

(f) "Resident" or "resident of Mississippi" means a natural person, and for the purpose of determining eligibility for the rebate provided by Section 57-89-7, any person domiciled in the State of Mississippi and any other person who maintains a permanent place of abode within the state and spends in the aggregate more than six (6) months of each year within the state.

(g) "State" means the State of Mississippi.

(h) "State-certified production" means a motion picture approved by the Mississippi Development Authority produced by a motion picture production company in the state. An application for approval as a state-certified production must be submitted to the Mississippi Development Authority before production of the project begins.

**SECTION 2.** Section 57-89-7, Mississippi Code of 1972, is amended as follows:

57-89-7. (1) (a) A motion picture production company that expends at least Fifty Thousand Dollars (\$50,000.00) in base investment or payroll, or both, in the state shall be entitled to a rebate of a portion of the base investment made by the motion picture production company. Subject to the provisions of this section, the amount of the rebate shall be equal to twenty-five percent (25%) of the base investment made by the motion picture production company.

(b) In addition to the rebates authorized under paragraphs (a) \* \* \*, (c) and (d) of this subsection, a motion picture production company may receive a rebate equal to twenty-five percent (25%) of payroll paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll paid for an employee exceeds \* \* \* Five Million Dollars (\$5,000,000.00, then the rebate is authorized only for the first \* \* \* Five Million Dollars (\$5,000,000.00) of such payroll.



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2462

(c) In addition to the rebates authorized under paragraphs (a) \* \* \*, (b) and (d) of this subsection, a motion picture production company may receive a rebate equal to thirty percent (30%) of payroll paid for any employee who is a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll paid for an employee exceeds \* \* \* Five Million Dollars (\$5,000,000.00), then the rebate is authorized only for the first \* \* \* Five Million Dollars (\$5,000,000.00) of such payroll.

(d) In addition to the rebates authorized in paragraphs (a), (b) and (c) of this subsection, a motion picture production company may receive an additional rebate equal to five percent (5%) of the payroll paid for any employee who is an honorably discharged veteran of the United States Armed Forces and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968.

( \* \* \* e) If a motion picture has physical production activities and/or post-production activities both inside and outside the state, then the motion picture production company shall be required to provide an itemized accounting for each employee regarding such activities inside and outside the state for the purposes of proration of eligible payroll based on the percentage of activities performed in the state.

( \* \* \* f) The total amount of rebates authorized for a motion picture project shall not exceed \* \* \* Ten Million Dollars (\$10,000,000.00) in the aggregate.

( \* \* \* g) The total amount of rebates authorized in any fiscal year shall not exceed Twenty Million Dollars (\$20,000,000.00) in the aggregate.

(2) A motion picture production company desiring a rebate under this section must submit a rebate request to the Department of Revenue upon completion of the project. The request must include a detailed accounting of the base investment made by the motion picture production company and any other information required by the Department of Revenue. Rebates made by the Department of Revenue under this section shall be made from current income tax collections. The Department of Revenue shall not approve any application for a rebate under subsection (1)(b) of this section after July 1, \* \* \* 2016.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2462

(3) The Department of Revenue shall have all powers necessary to implement and administer the provisions of this section, and the Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2528**

**Description:** Federal disaster; revise provision regarding hiring by a contractor awarded public works bid using funds from.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 479

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (S) | Referred To Ports and Marine Resources              |
| 2  | 01/31 | (S) | Title Suff Do Pass Comm Sub                         |
| 3  | 02/06 | (S) | Committee Substitute Adopted                        |
| 4  | 02/06 | (S) | Passed {Vote}                                       |
| 5  | 02/07 | (S) | Transmitted To House                                |
| 6  | 02/21 | (H) | Referred To Marine Resources                        |
| 7  | 03/05 | (H) | Title Suff Do Pass                                  |
| 8  | 03/12 | (H) | Amended   |
| 9  | 03/12 | (H) | Passed As Amended {Vote}                            |
| 10 | 03/12 | (H) | Motion to Reconsider Entered (Lane, Eure,<br>Guice) |
| 11 | 03/13 | (H) | Motion to Reconsider Tabled                         |
| 12 | 03/13 | (H) | Returned For Concurrence                            |
| 13 | 03/19 | (S) | Concurred in Amend From House {Vote}                |
| 14 | 03/22 | (S) | Enrolled Bill Signed                                |
| 15 | 03/25 | (H) | Enrolled Bill Signed                                |
| 16 | 04/01 |     | Approved by Governor                                |

**Amendments:**

[H] Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2528

**Code Section:** A 031-0005-0037

**----- Additional Information -----**

**Senate Committee:** Ports and Marine Resources

*House Committee:* Marine Resources

*Principal Author:* Wiggins

*Additional Authors:* Tindell, Gollott, Horhn, Moran

**Title:** AN ACT TO AMEND SECTION 31-5-37, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTRACTORS WHO SUBMIT BIDS FOR CERTAIN PUBLIC WORKS PROJECTS THAT UTILIZE FUNDS RECEIVED BY STATE OR LOCAL GOVERNMENTAL ENTITIES RESULTING FROM A FEDERALLY DECLARED DISASTER OR A SPILL OF NATIONAL SIGNIFICANCE TO CERTIFY THAT THEY WILL COMPLY WITH THE PROVISIONS OF THIS SECTION IF THEY ARE AWARDED SUCH CONTRACTS; TO PROVIDE THAT THE CONTRACTOR SHALL SUBMIT TO THE AGENCY OR GOVERNING AUTHORITY THAT SOLICITED THE BID AND THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AN EMPLOYMENT PLAN WITHIN SEVEN DAYS AFTER THE AWARD OF THE CONTRACT; TO PROVIDE THAT FROM THE DATE WRITTEN NOTICE OF THE CONTRACT AWARD IS RECEIVED AND UNTIL TEN BUSINESS DAYS AFTER THE RECEIPT OF THE EMPLOYMENT PLAN BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY, THE CONTRACTOR AND ANY SUBCONTRACTOR SHALL NOT HIRE ANY PERSONNEL TO FILL VACANT POSITIONS NECESSARY FOR THE PUBLIC WORKS PROJECT EXCEPT RESIDENTS OF THE STATE OF MISSISSIPPI WHO ARE TO BE VERIFIED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND/OR THOSE QUALIFIED INDIVIDUALS WHO ARE SUBMITTED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO PROVIDE THAT THE CONTRACT AWARD SHALL BE VACATED IF THE CONTRACTOR FAILS TO COMPLY WITH CERTAIN PROVISIONS OF THIS SECTION; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2528

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ports and Marine Resources

By: Senator(s) Wiggins, Tindell, Gollott, Horhn, Moran

### **Senate Bill 2528**

(As Sent to Governor)

AN ACT TO AMEND SECTION 31-5-37, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTRACTORS WHO SUBMIT BIDS FOR CERTAIN PUBLIC WORKS PROJECTS THAT UTILIZE FUNDS RECEIVED BY STATE OR LOCAL GOVERNMENTAL ENTITIES RESULTING FROM A FEDERALLY DECLARED DISASTER OR A SPILL OF NATIONAL SIGNIFICANCE TO CERTIFY THAT THEY WILL COMPLY WITH THE PROVISIONS OF THIS SECTION IF THEY ARE AWARDED SUCH CONTRACTS; TO PROVIDE THAT THE CONTRACTOR SHALL SUBMIT TO THE AGENCY OR GOVERNING AUTHORITY THAT SOLICITED THE BID AND THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AN EMPLOYMENT PLAN WITHIN SEVEN DAYS AFTER THE AWARD OF THE CONTRACT; TO PROVIDE THAT FROM THE DATE WRITTEN NOTICE OF THE CONTRACT AWARD IS RECEIVED AND UNTIL TEN BUSINESS DAYS AFTER THE RECEIPT OF THE EMPLOYMENT PLAN BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY, THE CONTRACTOR AND ANY SUBCONTRACTOR SHALL NOT HIRE ANY PERSONNEL TO FILL VACANT POSITIONS NECESSARY FOR THE PUBLIC WORKS PROJECT EXCEPT RESIDENTS OF THE STATE OF MISSISSIPPI WHO ARE TO BE VERIFIED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND/OR THOSE QUALIFIED INDIVIDUALS WHO ARE SUBMITTED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO PROVIDE THAT THE CONTRACT AWARD SHALL BE VACATED IF THE CONTRACTOR FAILS TO COMPLY WITH CERTAIN PROVISIONS OF THIS SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 31-5-37, Mississippi Code of 1972, is amended as follows:

31-5-37. (1) All public works projects utilizing funds received by state or local governmental entities resulting from a federally declared disaster or a spill of national significance, including damages, penalties, fines or supplemental projects paid or financed by responsible parties pursuant to a court order, negotiated settlement, or other instrument, including under any law distributing such fines and penalties including the federal Resources and Ecosystems Sustainability, Tourist



Opportunities and Revived Economy of the Gulf Coast Act of 2011 (R.E.S.T.O.R.E.), the Oil Pollution Act of 1990 or the Federal Water Pollution Control Act or similar legislation, shall be subject to the hiring policies established by this section.

(2) Contractors submitting bids for public works projects that involve an expenditure of Five Thousand Dollars (\$5,000.00) or more and that are financed, in whole or in part, through the use of funds described in subsection (1) of this section shall submit with their bid a certification that they will comply with the provisions of this section if they are awarded a contract. The contractor shall submit to the agency or governing authority that solicited the bid and the Mississippi Department of Employment Security an employment plan within seven (7) days after the award of the contract which shall include the following:

(a) The types of jobs involved in the public works project;

(b) The skill level of the jobs involved in the project;

(c) Wage information on the jobs involved in the project;

(d) The number of vacant positions that the contractor and any subcontractor needs to fill;

(e) How the contractor and any subcontractor will recruit, low-wage and unemployed individuals for job vacancies;

(f) Such other information as may be required by the Mississippi Department of Employment Security; and

(g) Proof of registration with the Mississippi Department of Employment Security for taxation in accordance with the provisions of Title 71.

(3) \* \* \* From the date written notice of the contract award is received and until ten (10) business days after the receipt of the employment plan by the Mississippi Department of Employment Security, the contractor and any subcontractor shall not \* \* \* hire any personnel to fill vacant positions necessary for the public works project \* \* \* except residents of the State of Mississippi who are to be verified by the Mississippi Department of Employment Security and/or those qualified individuals who are submitted by the Mississippi Department of Employment Security. For purposes of this subsection, the contractor or subcontractor is authorized

to employ Mississippi residents to begin work immediately, and such persons are to be verified by the Mississippi Department of Employment Security after employment by the contractor or subcontractor. During the ten-day period the Mississippi Department of Employment Security shall submit qualified individuals to the contractor to consider for the vacant positions. The contractor shall review the individuals submitted by the department before hiring individuals who are not submitted by the department. The contract award shall be vacated if the contractor fails to comply with the provisions of this subsection.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2547**

**Description:** Leflore County Correctional Facility; authorize the incarceration of federal prisoners at facility.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 480

**History of Actions:**

- 1 01/21 (S) Referred To Corrections; Appropriations
- 2 01/31 (S) DR - TSDP: CR To AP
- 3 02/05 (S) Title Suff Do Pass
- 4 02/06 (S) Passed {Vote}
- 5 02/07 (S) Transmitted To House
- 6 02/21 (H) Referred To Corrections; Appropriations
- 7 02/27 (H) DR - TSDPAA: CN To AP
- 8 03/05 (H) DR - TSDPAA: AP To CN
- 9 03/05 (H) Title Suff Do Pass As Amended
- 10 03/05 (H) Tabled Subject To Call
- 11 03/06 (H) Amended
- 12 03/06 (H) Passed As Amended {Vote}
- 13 03/07 (H) Returned For Concurrence
- 14 03/20 (S) Concurred in Amend From House {Vote}
- 15 03/22 (S) Enrolled Bill Signed
- 16 03/25 (H) Enrolled Bill Signed
- 17 04/01 Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2547

**Code Section:** A 047-0004-0001

----- **Additional Information** -----

**Senate Committee:** Corrections, Appropriations

*House Committee:* Corrections, Appropriations

*Principal Author:* Jackson (32nd)

*Additional Authors:* Simmons (13th), Jones

*Title:* AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCARCERATION OF FEDERAL PRISONERS AT THE LEFLORE COUNTY CORRECTIONAL FACILITY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2547

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Corrections; Appropriations

By: Senator(s) Jackson (32nd), Simmons (13th), Jones

**Senate Bill 2547**

(As Sent to Governor)

AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCARCERATION OF FEDERAL PRISONERS AT THE LEFLORE COUNTY CORRECTIONAL FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 47-4-1, Mississippi Code of 1972, is amended as follows:

47-4-1. (1) It is lawful for there to be located within Wilkinson County and Leflore County a correctional facility operated entirely by a private entity pursuant to a contractual agreement between such private entity and the federal government, any state, or a political subdivision of any state to provide correctional services to any such public entity for the confinement of inmates subject to the jurisdiction of such public entity. Any person confined in such a facility pursuant to the laws of the jurisdiction from which he is sent shall be considered lawfully confined within this state. The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of such inmates.

(2) The Department of Corrections shall contract with the Board of Supervisors of Leflore County for the private incarceration of not more than one thousand (1,000) state inmates at a facility in Leflore County. Any contract must comply with the requirements of Section 47-5-1211 through Section 47-5-1227.

(3) It is lawful for any county to contract with a private entity for the purpose of providing correctional services for the confinement of federal inmates subject to the jurisdiction of the United States. Any person confined in such a facility pursuant to the laws of the United States shall be considered lawfully confined within this state. The private entity shall assume complete responsibility for the inmates and shall be



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2547

liable to the county or the State of Mississippi, as the case may be, for any illegal or tortious actions of the inmates.

(4) It is lawful for there to be located within any county a correctional facility operated entirely by a private entity and the federal government to provide correctional services to the United States for the confinement of federal inmates subject to the jurisdiction of the United States. Any person confined in a facility pursuant to the laws of the United States shall be considered lawfully confined within this state. The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of the inmates.

A person convicted of simple assault on an employee of a private correctional facility while such employee is acting within the scope of his or her duty or employment shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.

A person convicted of aggravated assault on an employee of a private correctional facility while such employee is acting within the scope of his or her duty or employment shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.

(5) The Department of Corrections may contract with the Tallahatchie County Correctional Facility authorized in Chapter 904, Local and Private Laws of 1999, for the private incarceration of not more than one thousand (1,000) state inmates at a facility in Tallahatchie County. Any contract must comply with the requirements of Section 47-5-1211 through Section 47-5-1227. No state inmate shall be assigned to the Tallahatchie County Correctional Facility unless the inmate cost per day is at least ten percent (10%) less than the inmate cost per day for housing a state inmate at a state correctional facility.

(6) If a private entity houses state inmates, the private entity shall not displace state inmate beds with federal inmate beds unless the private entity has obtained prior written approval from the Commissioner of Corrections.

(7) It is lawful for there to be located within Leflore County a correctional facility operated entirely by a private

entity pursuant to a contractual agreement between such private entity and the federal government, the State of Mississippi, or Leflore County for the incarceration of federal inmates. Such correctional facility may include a separate Leflore County jail which may be located on or adjacent to the correctional facility site. To further the provisions of this subsection:

(a) Any private entity, the State of Mississippi, or Leflore County may enter into any agreement regarding real property or property, including, but not limited to, a lease, a ground lease and leaseback arrangement, a sublease or any other lease agreement or arrangement, as lessor or lessee. Such agreements shall not exceed forty (40) years. The Department of Corrections may enter such agreements or arrangements on behalf of the State of Mississippi;

(b) The powers conferred under this subsection shall be additional and supplemental to the powers conferred by any other law. Where the provisions of this subsection conflict with other law, this subsection shall control; and

(c) The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of the inmates.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2553**

**Description:** Cottage food operations; exempt from certain licensing requirements.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* Passage

*Chapter Number:* 481

**History of Actions:**

- |    |       |     |                                      |
|----|-------|-----|--------------------------------------|
| 1  | 01/21 | (S) | Referred To Agriculture              |
| 2  | 02/05 | (S) | Title Suff Do Pass Comm Sub          |
| 3  | 02/07 | (S) | Committee Substitute Adopted         |
| 4  | 02/07 | (S) | Passed {Vote}                        |
| 5  | 02/08 | (S) | Transmitted To House                 |
| 6  | 02/20 | (H) | Referred To Agriculture              |
| 7  | 03/05 | (H) | Title Suff Do Pass As Amended        |
| 8  | 03/12 | (H) | Amended                              |
| 9  | 03/12 | (H) | Passed As Amended {Vote}             |
| 10 | 03/15 | (H) | Returned For Concurrence             |
| 11 | 03/20 | (S) | Concurred in Amend From House {Vote} |
| 12 | 03/22 | (S) | Enrolled Bill Signed                 |
| 13 | 03/25 | (H) | Enrolled Bill Signed                 |
| 14 | 04/01 |     | Approved by Governor                 |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2553

**----- Additional Information -----**

**Senate Committee:** Agriculture

**House Committee:** Agriculture

**Principal Author:** Hill

**Additional Authors:** Burton, Doty, Fillingane, Gandy, Hopson, Jackson (11th), Jolly, Massey, McDaniel, Montgomery, Parker, Sojourner, Watson

***Title:*** AN ACT TO EXEMPT COTTAGE FOOD PRODUCTION OPERATIONS FROM REGULATION; TO RENAME THE MISSISSIPPI SMALL FARM DEVELOPMENT CENTER AT ALCORN STATE UNIVERSITY AS THE MISSISSIPPI SMALL FARM AND AGRIBUSINESS CENTER; AND FOR RELATED PURPOSES.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2553

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Agriculture

By: Senator(s) Hill, Burton, Doty, Fillingane, Gandy,  
Hopson, Jackson (11th), Jolly, Massey, McDaniel, Montgomery,  
Parker, Sojourner, Watson

### Senate Bill 2553

(As Sent to Governor)

AN ACT TO EXEMPT COTTAGE FOOD PRODUCTION OPERATIONS FROM REGULATION; TO RENAME THE MISSISSIPPI SMALL FARM DEVELOPMENT CENTER AT ALCORN STATE UNIVERSITY AS THE MISSISSIPPI SMALL FARM AND AGRIBUSINESS CENTER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) (a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of Section 41-3-18 if the cottage food operation complies with the section and has annual gross sales of cottage food products that do not exceed Twenty Thousand Dollars (\$20,000.00).

(b) For purposes of this subsection, a cottage food operations annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale or to a retail establishment. Cottage food products are nonpotentially hazardous food products as defined by the department.

(3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:

(a) The name and address of the cottage food operation.

(b) The name of the cottage food product.

(c) The ingredients of the cottage food product, in descending order of predominance by weight.



2013 GENERAL LAWS OF MISSISSIPPI SB 2553

(d) The net weight or net volume of the cottage food product.

(e) Allergen information as specified by federal labeling requirements.

(f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.

(g) The following statement printed in at least ten-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Mississippi's food safety regulations."

(4) This section does not exempt a cottage food operation from any federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(5) (a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to Section 41-3-59.

(6) This section does not apply to a person operating under a food permit issued pursuant to Section 41-3-18.

**SECTION 2.** The Mississippi Small Farm Development Center (MSFDC) on the campus of Alcorn State University in Lorman, Mississippi, shall be renamed the Mississippi Small Farm and Agribusiness Center (MSFAC).

**SECTION 3.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2580**

**Description:** Marine Resources; authorize the Commission on Marine Resources to require completion of educational programs for commercial licenses.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 450

**History of Actions:**

- 1 01/21 (S) Referred To Ports and Marine Resources;  
Accountability, Efficiency, Transparency
- 2 01/31 (S) DR - TSDPCS: PI To AC
- 3 02/04 (S) Title Suff Do Pass Comm Sub
- 4 02/13 (S) Committee Substitute Adopted
- 5 02/13 (S) Passed {Vote}
- 6 02/14 (S) Transmitted To House
- 7 02/21 (H) Referred To Marine Resources
- 8 03/05 (H) Title Suff Do Pass
- 9 03/12 (H) Passed {Vote}
- 10 03/13 (H) Transmitted To Senate
- 11 03/18 (S) Enrolled Bill Signed
- 12 03/18 (H) Enrolled Bill Signed
- 13 03/25 Approved by Governor

**Code Section:** A 049-0015-0015

**----- Additional Information -----**

**Senate Committee:** Ports and Marine Resources, Accountability, Efficiency, Transparency

**House Committee:** Marine Resources

**Principal Author:** Wiggins

**Title:** AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO REQUIRE COMPLETION OF EDUCATIONAL PROGRAMS FOR COMMERCIAL LICENSEES UNDER ITS JURISDICTION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2580

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ports and Marine Resources; Accountability, Efficiency,  
Transparency

By: Senator(s) Wiggins

**Senate Bill 2580**

(As Sent to Governor)

AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO REQUIRE COMPLETION OF EDUCATIONAL PROGRAMS FOR COMMERCIAL LICENSEES UNDER ITS JURISDICTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-15-15, Mississippi Code of 1972, is amended as follows:

49-15-15. (1) In addition to any other powers and duties authorized by law, the commission shall have the following powers and duties regarding the regulation of seafood:

(a) To exercise full jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood, including cultivated seafood;

(b) To adopt, promulgate, amend or repeal, after due notice and public hearing, in accordance with the Mississippi Administrative Procedures Law and subject to the limitations in subsection (2) of this section, rules and regulations authorized under this chapter, including, but not limited to, rules and regulations necessary for the protection, conservation or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi and for the regulation of gill net and purse seine fishermen. All public hearings under this chapter concerning the regulation of marine resources shall be held in Hancock, Harrison or Jackson Counties. Each rule or regulation promulgated under this chapter shall immediately be advertised one (1) time in a newspaper or newspapers having general circulation in counties affected by that regulation. A regulation shall become effective at 6:00 a.m. on the day after its publication;

(c) To regulate all seafood sanitation and processing programs. In the three (3) coastal counties, the sanitation program regulating processing plants and seafood sold in

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2580

retail stores operating in conjunction with a processing plant or seafood market that primarily deals with seafood is under the exclusive authority of the commission. The commission may also inspect and regulate those areas of any seafood processing plant which process freshwater species at any site where the department inspects seafood processing plants. To effectively and efficiently implement the state seafood sanitation program, the State Health Officer, the Commissioner of Agriculture and the executive director of the department may enter into a memorandum of understanding, which at a minimum, clearly specifies the responsibilities of each agency in implementing the seafood sanitation program, as well as the sharing of information and communication and coordination between the agencies;

(d) To set standards of measure;

(e) To set requirements for employment of commission employees whose compensation shall be governed by the rules and regulations of the State Personnel Board;

(f) To acquire and dispose of commission equipment and facilities;

(g) To keep proper records of the commission, including an official ordinance book which contains all rules and regulations promulgated by the commission under this chapter;

(h) To enter into advantageous interstate and intrastate agreements with proper officials, which directly or indirectly result in the protection, propagation and conservation of the seafood of the State of Mississippi, or continue any such agreements now in existence;

(i) To arrange, negotiate or contract for the use of available federal, state and local facilities which would aid in the propagation, protection and conservation of the seafood of the State of Mississippi;

(j) To authorize the operation of double rigs in the waters lying between the mainland coast and the island chain, and those rigs shall not exceed a length of twenty-five (25) feet at the\* \* \*corkline, and to prescribe the length at the lead line for each rig, net or try-trawl;

(k) To destroy or dispose of equipment or nets which have been lawfully seized by the commission and which are not sold under Section 49-15-201 et seq.;



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(l) To open, close and regulate fishing seasons for the taking of shrimp, oysters, fish taken for commercial purposes and crabs and set size, catching and taking regulations for all types of seafood and culling regulations for oysters, except as otherwise specifically provided by law;

(m) To utilize the resources of the Gulf Coast Research Laboratory to the fullest extent possible;

(n) To develop a resource management plan to preserve seafood resources and to ensure a safe supply of these resources;

(o) To prescribe types and forms of scientific permits for public educational or scientific institutions, federal and state agencies and consultants performing marine resource studies;

(p) To suspend the issuance of licenses when necessary to impose a moratorium to conserve a fishery resource;\* \* \*

(q) To promote, construct, monitor and maintain artificial fishing reefs in the marine waters of the State of Mississippi and in adjacent federal waters; to accept grants and donations of money or materials from public and private sources for such reefs; to set permit fees and establish guidelines for the construction of artificial reefs in federal waters; and to apply for any federal permits necessary for the construction or maintenance of artificial fishing reefs in federal waters. The location data associated with artificial reefs by corporations and private individuals shall not be published by the commission or the department on the Web site or in written publications of the department. Location data of the artificial reefs may be requested in writing by any individual and shall be provided by the Department\* \* \* in a timely manner\* \* \*; and

(r) To require, in addition to other licensing requirements, the successful completion of educational or training programs on shellfish sanitation as a prerequisite to receiving commercial licenses authorized under this chapter in order to ensure compliance with the Interstate Shellfish Sanitation Conference's educational requirements for shellfish processors, dealers and harvesters by January 1, 2014.

(2) The commission shall not adopt rules, regulations or ordinances pertaining to marine resources which are more stringent than federal regulations. In any case where federal



laws and regulations are silent on a matter pertaining to marine resources, the laws and regulations of the State of Mississippi shall control. The commission shall review all marine resource ordinances for compliance with the no more stringent standard and revise any ordinances more stringent than this standard no later than December 31, 1992. This subsection shall not apply to rules, regulations or ordinances pertaining to the wild stock of marine fin fish.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2593**

**Description:** Auto liability insurance; insurance card may be furnished in electronic format.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 475

**History of Actions:**

- 1 01/21 (S) Referred To Insurance
- 2 01/30 (S) Title Suff Do Pass Comm Sub
- 3 02/06 (S) Committee Substitute Adopted
- 4 02/06 (S) Passed {Vote}
- 5 02/07 (S) Transmitted To House
- 6 02/21 (H) Referred To Insurance
- 7 02/26 (H) Title Suff Do Pass As Amended
- 8 02/28 (H) Amended
- 9 02/28 (H) Passed As Amended {Vote}
- 10 03/01 (H) Returned For Concurrence
- 11 03/19 (S) Concurred in Amend From House {Vote}
- 12 03/21 (S) Enrolled Bill Signed
- 13 03/21 (H) Enrolled Bill Signed
- 14 03/27 Approved by Governor

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote  
Amendment Report for Senate Bill No. 2593

**Code Section:** A 063-0015-0004

**----- Additional Information -----**

**Senate Committee:** Insurance

**House Committee:** Insurance

**Principal Author:** Clarke

**2013 GENERAL LAWS OF MISSISSIPPI SB 2593**

***Title:*** AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INSURANCE COMPANY ISSUING A POLICY OF MOTOR VEHICLE LIABILITY INSURANCE SHALL FURNISH TO THE INSURED AN INSURANCE CARD IN EITHER PAPER OR ELECTRONIC FORMAT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2593

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance

By: Senator(s) Clarke

**Senate Bill 2593**

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INSURANCE COMPANY ISSUING A POLICY OF MOTOR VEHICLE LIABILITY INSURANCE SHALL FURNISH TO THE INSURED AN INSURANCE CARD IN EITHER PAPER OR ELECTRONIC FORMAT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-15-4, Mississippi Code of 1972, is amended as follows:

63-15-4. (1) The following vehicles are exempted from the requirements of this section:

(a) Motor vehicles exempted by Section 63-15-5;

(b) Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts required for proof of financial responsibility is on file with the department;

(c) Motor vehicles that are self-insured under Section 63-15-53; and

(d) Implements of husbandry.

(2) (a) Every motor vehicle operated in this state shall have an insurance card maintained in the motor vehicle as proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). The insured parties shall be responsible for maintaining the insurance card in each motor vehicle.

(b) An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013,

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2593

insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.

(3) Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle. However, no driver shall be stopped or detained solely for the purpose of verifying that an insurance card is in the motor vehicle unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section 63-16-3 and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section 63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.

(4) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle is a misdemeanor and, upon conviction, is punishable by a fine of Five Hundred Dollars (\$500.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). Fraudulent use of an insurance card shall be punishable in accordance with Section 97-7-10. The funds from such fines shall be deposited in the State General Fund in the State Treasury. However, if such fines are levied in a municipal court, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a civil violation under Section 63-16-13(1) of this act arising from the same incident.

(5) If, at the hearing date or the date of payment of the fine, the motor vehicle owner shows proof of motor vehicle



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liability insurance in the amounts required by Section 63-15-3(j), the fine shall be reduced to One Hundred Dollars (\$100.00). If the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2609**

**Description:** UCC; revise Article 9.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Majority

*Effective date:* July 1, 2013

*Chapter Number:* 451

**History of Actions:**

- |    |       |     |                                   |
|----|-------|-----|-----------------------------------|
| 1  | 01/21 | (S) | Referred To Judiciary, Division A |
| 2  | 01/29 | (S) | Title Suff Do Pass Comm Sub       |
| 3  | 02/07 | (S) | Committee Substitute Adopted      |
| 4  | 02/07 | (S) | Passed {Vote}                     |
| 5  | 02/08 | (S) | Transmitted To House              |
| 6  | 02/20 | (H) | Referred To Judiciary A           |
| 7  | 02/28 | (H) | Title Suff Do Pass                |
| 8  | 03/07 | (H) | Passed {Vote}                     |
| 9  | 03/11 | (H) | Transmitted To Senate             |
| 10 | 03/18 | (S) | Enrolled Bill Signed              |
| 11 | 03/18 | (H) | Enrolled Bill Signed              |
| 12 | 03/25 |     | Approved by Governor              |

**Code Section:** A 075-0009-0102, A 075-0002-0719, A 075-004A-0108, A 075-0009-0105, A 075-0009-0307, A 075-0009-0311, A 075-0009-0316, A 075-0009-0317, A 075-0009-0326, A 075-0009-0406, A 075-0009-0408, A 075-0009-0502, A 075-0009-0503, A 075-0009-0507, A 075-0009-0515, A 075-0009-0516, A 075-0009-0518, A 075-0009-0521, A 075-0009-0607, A 075-002A-0103

**----- Additional Information -----**

***Senate Committee:*** Judiciary, Division A

***House Committee:*** Judiciary A

***Principal Author:*** Doty

***Title:*** AN ACT TO AMEND SECTIONS 75-9-102, 75-2-719, 75-4A-108, 75-9-105, 75-9-307, 75-9-311, 75-9-316, 75-9-317, 75-9-326, 75-9-406, 75-9-408, 75-9-502, 75-9-503, 75-9-507, 75-9-515, 75-9-516, 75-9-518, 75-9-521 AND 75-9-607, MISSISSIPPI CODE

OF 1972, TO CONFORM REVISIONS TO THE UNIFORM COMMERCIAL CODE; TO ENACT NEW SECTION 75-9-801, MISSISSIPPI CODE OF 1972, TO PROVIDE AN EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-802, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A SAVINGS CLAUSE; TO ENACT NEW SECTION 75-9-803, MISSISSIPPI CODE OF 1972, TO ADDRESS SECURITY INTEREST PERFECTED BEFORE THE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-804, MISSISSIPPI CODE OF 1972, TO ADDRESS SECURITY INTEREST UNPERFECTED BEFORE THE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-805, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-806, MISSISSIPPI CODE OF 1972, TO PROVIDE WHEN AN INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE THE EFFECTIVENESS OF A FINANCING STATEMENT; TO ENACT NEW SECTION 75-9-807, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING STATEMENT; TO ENACT NEW SECTION 75-9-808, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A PERSON ENTITLED TO FILE AN INITIAL FINANCING STATEMENT OR CONTINUATION STATEMENT; TO ENACT NEW SECTION 75-9-809, MISSISSIPPI CODE OF 1972, PRIORITY; TO AMEND SECTION 75-2A-103, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

**2013 GENERAL LAWS OF MISSISSIPPI SB 2609**

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Doty

**Senate Bill 2609**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 75-9-102, 75-2-719, 75-4A-108, 75-9-105, 75-9-307, 75-9-311, 75-9-316, 75-9-317, 75-9-326, 75-9-406, 75-9-408, 75-9-502, 75-9-503, 75-9-507, 75-9-515, 75-9-516, 75-9-518, 75-9-521 AND 75-9-607, MISSISSIPPI CODE OF 1972, TO CONFORM REVISIONS TO THE UNIFORM COMMERCIAL CODE; TO ENACT NEW SECTION 75-9-801, MISSISSIPPI CODE OF 1972, TO PROVIDE AN EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-802, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A SAVINGS CLAUSE; TO ENACT NEW SECTION 75-9-803, MISSISSIPPI CODE OF 1972, TO ADDRESS SECURITY INTEREST PERFECTED BEFORE THE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-804, MISSISSIPPI CODE OF 1972, TO ADDRESS SECURITY INTEREST UNPERFECTED BEFORE THE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-805, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE DATE; TO ENACT NEW SECTION 75-9-806, MISSISSIPPI CODE OF 1972, TO PROVIDE WHEN AN INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE THE EFFECTIVENESS OF A FINANCING STATEMENT; TO ENACT NEW SECTION 75-9-807, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING STATEMENT; TO ENACT NEW SECTION 75-9-808, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A PERSON ENTITLED TO FILE AN INITIAL FINANCING STATEMENT OR CONTINUATION STATEMENT; TO ENACT NEW SECTION 75-9-809, MISSISSIPPI CODE OF 1972, PRIORITY; TO AMEND SECTION 75-2A-103, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 75-9-102, Mississippi Code of 1972, is amended as follows:

75-9-102. (a) In this article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) Authenticated by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five (35) days earlier or thirty-five (35) days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or



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(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) To sign; or

(B) \* \* \* With present intent to adopt or accept a record, to attach to or logically associate with the record and electronic sound, symbol or process.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits

the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

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(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

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(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is One Thousand Dollars (\$1,000.00) or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs an obligation primarily for personal, family, or household purposes; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

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(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in Section 75-7-201(b).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation;  
or

(D) Products of crops or livestock in their unmanufactured states.



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(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to Section 75-9-519(a).

(37) "Filing office" means an office designated in Section 75-9-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to Section 75-9-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying Section 75-9-502(a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) [Reserved]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, (v) farm-raised fish produced in fresh water according to the usual and customary techniques of commercial agriculture, (vi) manufactured homes and (vii) marine vessels (herein defined as every type of watercraft used, or capable of being used, as a means of transportation on water) including both marine vessels under construction, including engines and all items

of equipment installed or to be installed therein, whether such vessels are being constructed by the shipbuilder for his own use or for sale (said vessels under construction being classified as inventory within the meaning of Section 75-9-102(48)), and marine vessels after completion of construction so long as such vessels have not become "vessels of the United States" within the meaning of the Ship Mortgage Act of 1920, 46 USCS, Section 911(4), as same is now written or may hereafter be amended (said completed vessels being classified as equipment within the meaning of Section 75-9-102(33)). The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided or to be provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a

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right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the

required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:

(A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation. "Mortgage" shall mean and include a deed of trust.

(56) "New debtor" means a person that becomes bound as debtor under Section 75-9-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor," except as used in Section 75-9-310(c), means a person that, as debtor, entered into a



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security agreement to which a new debtor has become bound under Section 75-9-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

(A) The spouse of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse; or

(D) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) The spouse of an individual described in subparagraph (A), (B), or (C); or

(E) An individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds," except as used in Section 75-9-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;



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(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(64A) "Production-money crops" means crops that secure a production-money obligation incurred with respect to the production of those crops.

(64B) "Production-money obligation" means an obligation of an obligor incurred for new value given to enable the debtor to produce crops if the value is in fact used for the production of the crops.

(64C) "Production of crops" includes tilling and otherwise preparing land for growing, planting, cultivating, fertilizing, irrigating, harvesting and gathering crops, and protecting them from damage or disease.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to Sections 75-9-620, 75-9-621, and 75-9-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty (20) years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

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(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the Legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or United States which amends or restates the name of the organization.

(\* \* \* 69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(\* \* \* 70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(\* \* \* 71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States\* \* \* by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(\* \* \* 72) "Secondary obligor" means an obligor to the extent that:

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(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(\* \* \* 73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under Section 75-2-401, 75-2-505, 75-2-711(3), 75-2A-508(5), 75-4-210, or 75-5-118.

(\* \* \* 74) "Security agreement" means an agreement that creates or provides for a security interest.

(\* \* \* 75) "Send," in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(\* \* \* 76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(\* \* \* 77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

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(\* \* \* 78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(\* \* \* 79) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(\* \* \* 80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(\* \* \* 81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water:

(b) The following definitions in other articles apply to this article:

"Applicant"	Section 75-5-102
"Beneficiary"	Section 75-5-102
"Broker"	Section 75-8-102
"Certificated security"	Section 75-8-102
"Check"	Section 75-3-104
"Clearing corporation"	Section 75-8-102
"Contract for sale"	Section 75-2-106
"Control"	Section 75-7-106
"Customer"	Section 75-4-104
"Entitlement holder"	Section 75-8-102
"Financial asset"	Section 75-8-102
"Holder in due course"	Section 75-3-302

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"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 75-5-102
"Issuer" (with respect to a security)	Section 75-8-201
"Issuer" (with respect to documents of title)	Section 75-7-102
"Lease"	Section 75-2A-103
"Lease agreement"	Section 75-2A-103
"Lease contract"	Section 75-2A-103
"Leasehold interest"	Section 75-2A-103
"Lessee"	Section 75-2A-103
"Lessee in ordinary course of business"	Section 75-2A-103
"Lessor"	Section 75-2A-103
"Lessor's residual interest"	Section 75-2A-103
"Letter of credit"	Section 75-5-102
"Merchant"	Section 75-2-104
"Negotiable instrument"	Section 75-3-104
"Nominated person"	Section 75-5-102
"Note"	Section 75-3-104
"Proceeds of a letter of credit"	Section 75-5-114
"Prove"	Section 75-3-103
"Sale"	Section 75-2-106
"Securities account"	Section 75-8-501
"Securities intermediary"	Section 75-8-102
"Security"	Section 75-8-102
"Security certificate"	Section 75-8-102
"Security entitlement"	Section 75-8-102
"Uncertificated security"	Section 75-8-102

(c) Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

**SECTION 2.** Section 75-2-719, Mississippi Code of 1972, is amended as follows:



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75-2-719. (1) Subject to the provisions of subsections (2), (3), and (4) of this section and of Section 75-2-718 on liquidation and limitation of damages,

(a) The agreement may provide for remedies in addition to or in substitution for those provided in this chapter and may limit or alter the measure of damages recoverable under this chapter, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of nonconforming goods or parts; and

(b) Resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this code.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

(4) Any limitation of remedies which would deprive the buyer of a remedy to which he may be entitled for breach of an implied warranty of merchantability or fitness for a particular purpose in a sale to a consumer, as defined in Section 75-1-201(b)(11), of consumer goods, as defined in Section 75-9-102(a)(23), shall be prohibited. The provisions of this subsection do not apply to computer hardware, computer software, and services performed on computer hardware and computer software, which are sold between merchants.

**SECTION 3.** Section 75-4A-108, Mississippi Code of 1972, is amended as follows:

75-4A-108. (a) Except as set forth in subsection (b), this chapter does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Public Law 95-630, 92 Stat. 3728, 15 USCS 1693 et seq.) as amended from time to time.

(b) This chapter applies to a funds transfer that is a "remittance transfer" as defined in Section 919(g)(2) and (3) of the Electronic Fund Transfer Act (15 USCS Section 1693o-1(g)(2) and (3)), unless the remittance transfer is an

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"electronic fund transfer" as defined in Section 903(7) of the Electronic Fund Transfer Act (15 USCS Section 1693A(7)).

(c) In a funds transfer to which this chapter applies, in the event of an inconsistency between an applicable provision of this chapter and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

**SECTION 4.** Section 75-9-105, Mississippi Code of 1972, is amended as follows:

75-9-105. (a) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

(b) A system satisfies subsection (a) if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) The authoritative copy identifies the secured party as the assignee of the record or records;

(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

(4) Copies or\* \* \* amendments that add or change an identified assignee of the authoritative copy can be made only with the\* \* \* consent of the secured party;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any\* \* \* amendment of the authoritative copy is readily identifiable as\* \* \* authorized or unauthorized\* \* \*.

**SECTION 5.** Section 75-9-307, Mississippi Code of 1972, is amended as follows:

75-9-307. (a) In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Except as otherwise provided in this section, the following rules determine a debtor's location:

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(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one (1) place of business is located at its place of business.

(3) A debtor that is an organization and has more than one (1) place of business is located at its chief executive office.

(c) Subsection (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection (b) does not apply, the debtor is located in the District of Columbia.

(d) A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subsections (b) and (c).

(e) A registered organization that is organized under the law of a state is located in that state.

(f) Except as otherwise provided in subsection (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(1) In the state that the law of the United States designates, if the law designates a state of location;

(2) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, or other comparable office; or

(3) In the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

(g) A registered organization continues to be located in the jurisdiction specified by subsection (e) or (f) notwithstanding:

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(1) The suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization; or

(2) The dissolution, winding up, or cancellation of the existence of the registered organization.

(h) The United States is located in the District of Columbia.

(i) A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one (1) state.

(j) A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) This section applies only for purposes of this part.

**SECTION 6.** Section 75-9-311, Mississippi Code of 1972, is amended as follows:

75-9-311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt Section 75-9-310(a);

(2) Sections 63-21-1 through 63-21-77 (the Mississippi Motor Vehicle and Manufactured Housing Title Law) or a certificate of title issued pursuant to Sections 59-25-1 through 59-25-17 (Certificates of Title for Boats and Other Vessels); or

(3) A \* \* \* statute of another jurisdiction which provides for a security interest to be indicated on \* \* \* certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for



obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and Sections 75-9-313 and 75-9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and Section 75-9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral subject to a statute specified in subsection (a) (2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

**SECTION 7.** Section 75-9-316, Mississippi Code of 1972, is amended as follows:

75-9-316. (a) A security interest perfected pursuant to the law of the jurisdiction designated in Section 75-9-301(1) or 75-9-305(c) remains perfected until the earliest of:

(1) The time perfection would have ceased under the law of that jurisdiction;

(2) The expiration of four (4) months after a change of the debtor's location to another jurisdiction; or

(3) The expiration of one (1) year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction



before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) The collateral is located in one (1) jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) Thereafter the collateral is brought into another jurisdiction; and

(3) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under Section 75-9-311(b) or 75-9-313 are not satisfied before the earlier of:

(1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) The expiration of four (4) months after the goods had become so covered.

(f) A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) The time the security interest would have become unperfected under the law of that jurisdiction; or

(2) The expiration of four (4) months after a change of the applicable jurisdiction to another jurisdiction.

(g) If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) The following rules apply to collateral to which a security interest attaches within four (4) months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in Section 75-9-301(1) or 75-9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(2) If a security interest that is perfected by a financing statement that is effective under paragraph (1) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in Section 75-9-301(1) or 75-9-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in Section 75-9-301(1) or 75-9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four (4) months after, the new debtor becomes bound under Section 75-9-203(d), if the financing

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statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in Section 75-9-301(1) or 75-9-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**SECTION 8.** Section 75-9-317, Mississippi Code of 1972, is amended as follows:

75-9-317. (a) A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under Section 75-9-322; and

(2) Except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One (1) of the conditions specified in Section 75-9-203(b) (3) is met and a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, documents, goods, instruments, or a certificated security\* \* \* takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

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(d) A licensee of a general intangible or a buyer, other than a secured party, of\* \* \* collateral other than tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in Sections 75-9-320 and 75-9-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty (20) days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

**SECTION 9.** Section 75-9-326, Mississippi Code of 1972, is amended as follows:

75-9-326. (a) Subject to subsection (b), a security interest that is created by a new debtor\* \* \* in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that\* \* \* would be ineffective to perfect the security interest but for the application of Section 75-9-316(i)(1) or 75-9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement\* \* \*.

(b) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements\* \* \* described in subsection (a). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

**SECTION 10.** Section 75-9-406, Mississippi Code of 1972, is amended as follows:

75-9-406. (a) Subject to subsections (b) through (i), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its



obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) Subject to subsection (h), notification is ineffective under subsection (a):

(1) If it does not reasonably identify the rights assigned;

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) Subject to subsection (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Except as otherwise provided in subsection (e) and Sections 75-2A-303 and 75-9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the



security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under Section 75-9-610 or an acceptance of collateral under Section 75-9-620.

(f) Except as otherwise provided in Sections 75-2A-303 and 75-9-407 and subject to subsections (h) and (i), a rule of law, statute or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b) (3).

(h) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) This section does not apply to an assignment of a health-care-insurance receivable.

(j) This section prevails over any inconsistent provision of an existing or future statute, rule or regulation of this state unless the provision is contained in a statute of this state, refers expressly to this section, and states that the provision prevails over this section.

**SECTION 11.** Section 75-9-408, Mississippi Code of 1972, is amended as follows:

75-9-408. (a) Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under Section 75-9-610 or an acceptance of collateral under Section 75-9-620.

(c) A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment,

claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this article but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) This section prevails over any inconsistent provision of an existing or future statute, rule or regulation of this state unless the provision is contained in a statute of this state, refers expressly to this section, and states that the provision prevails over this section.

**SECTION 12.** Section 75-9-502, Mississippi Code of 1972, is amended as follows:

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75-9-502. (a) Subject to subsection (b), a financing statement is sufficient only if it:

(1) Provides the name of the debtor;

(2) Provides the name of the secured party or a representative of the secured party; and

(3) Indicates the collateral covered by the financing statement.

(b) Except as otherwise provided in Section 75-9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

(1) Indicate that it covers this type of collateral;

(2) Indicate that it is to be filed for record in the real property records;

(3) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

(4) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) The record indicates the goods or accounts that it covers;

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) The record satisfies the requirements for a financing statement in this section\* \* \*, but:

(A) The record need not indicate\* \* \* that it is to be filed in the real property records; and

(B) The record sufficiently provides the name of the debtor who is an individual if it provides the individual



name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom Section 75-9-503(a) (4) applies; and

(4) The record is duly recorded.

(d) A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

**SECTION 13.** Section 75-9-503, Mississippi Code of 1972, is amended as follows:

75-9-503. (a) A financing statement sufficiently provides the name of the debtor:

(1) Except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name\* \* \* that is stated to be the registered organization's name on the public organic record\* \* \* most recently filed with or issued or enacted by the\* \* \* registered organization's jurisdiction of organization which\* \* \* purports to state, amend or restate the registered organization's name;

(2) Subject to subsection (f) if the\* \* \* collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that\* \* \* collateral is being administered by a personal representative;

(3) If the\* \* \* collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) \* \* \* Provides, as the name of the debtor:

(i) If the organic record of the trust specifies a name for the trust, the name specified; or

(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) \* \* \* In a separate part of the financing statement:

(i) If the name is provided in accordance with subparagraph (A) (i), indicates that the collateral is held in a trust; or

(ii) If the name is provided in accordance with subparagraph (A) (ii), provides additional information



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sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) \* \* \* Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license or nondriver's identification card that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license or nondriver's identification card;

(5) If the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(\* \* \* 6) In other cases:

(A) If the debtor has a name, only if \* \* \* the financing statement provides the \* \* \* organizational name of the debtor; and

(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) A trade name or other name of the debtor; or

(2) Unless required under subsection (a)(4)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one (1) debtor and the name of more than one (1) secured party.

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(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a) (2).

(g) If this state has issued to an individual more than one (1) driver's license or nondriver's identification card of a kind described in subsection (a) (4), the one that was issued most recently is the one to which subsection (a) (4) refers.

(h) In this section, the "name of the settlor or testator" means:

(1) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) In other cases, the name of the settlor or testator indicated in the trust's organic record.

**SECTION 14.** Section 75-9-507, Mississippi Code of 1972, is amended as follows:

75-9-507. (a) A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

(b) Except as otherwise provided in subsection (c) and Section 75-9-508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under Section 75-9-506.

(c) If\* \* \* the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under Section 75-9-503(a) so that the financing statement becomes seriously misleading under Section 75-9-506:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four (4) months after, the\* \* \* filed financing statement becomes seriously misleading; and

(2) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more

than four (4) months after the\* \* \* filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four (4) months after the\* \* \* financing statement becomes seriously misleading.

**SECTION 15.** Section 75-9-515, Mississippi Code of 1972, is amended as follows:

75-9-515. (a) Except as otherwise provided in subsections (b), (e), (f), and (g), a filed financing statement is effective for a period of five (5) years after the date of filing.

(b) Except as otherwise provided in subsections (e), (f), and (g), an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of thirty (30) years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

(c) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (d). Upon lapse a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) A continuation statement may be filed only within six (6) months before the expiration of the five-year period specified in subsection (a) or the thirty-year period specified in subsection (b), whichever is applicable.

(e) Except as otherwise provided in Section 75-9-510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five (5) years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subsection (c), unless, before the lapse, another continuation statement is filed pursuant to subsection (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

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(f) If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) A record of a mortgage that is effective as a financing statement filed as a fixture filing under Section 75-9-502(c) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

**SECTION 16.** Section 75-9-516, Mississippi Code of 1972, is amended as follows:

75-9-516. (a) Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or\* \* \* information statement, the record:

(i) Does not identify the initial financing statement as required by Section 75-9-512 or 75-9-518, as applicable; or

(ii) Identifies an initial financing statement whose effectiveness has lapsed under Section 75-9-515;

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's\* \* \* surname; or

(D) In the case of a record filed\* \* \* in the filing office described in Section 75-9-501(a)(1), the record does



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not provide a sufficient description of the real property to which it relates;

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor; or

(B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization;\*

\* \*

\* \* \*

(6) In the case of an assignment reflected in an initial financing statement under Section 75-9-514(a) or an amendment filed under Section 75-9-514(b), the record does not provide a name and mailing address for the assignee; or

(7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by Section 75-9-515(d).

(c) For purposes of subsection (b):

(1) A record does not provide information if the filing office is unable to read or decipher the information; and

(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by Section 75-9-512, 75-9-514 or 75-9-518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

**SECTION 17.** Section 75-9-518, Mississippi Code of 1972, is amended as follows:

75-9-518. (a) A person may file in the filing office\* \* \* an information statement with respect to a record indexed there



under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) \* \* \* An information statement under subsection (a) must:

(1) Identify the record to which it relates by:

(A) The file number assigned to the initial financing statement to which the record relates; and

(B) If the \* \* \* information statement relates to a record filed for record in a filing office described in Section 75-9-501(a)(1), the date that the initial financing statement was filed for record and the information specified in Section 75-9-502(b);

(2) Indicate that it is \* \* \* an information statement; and

(3) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under Section 75-9-509(d).

(d) An information statement under subsection (c) must:

(1) Identify the record to which it relates by:

(A) The file number assigned to the initial financing statement to which the record relates; and

(B) If the information statement relates to a record filed in a filing office described in Section 75-9-501(a)(1), the date and time that the initial financing statement was filed and the information specified in Section 75-9-502(b);

(2) Indicate that it is an information statement; and

(3) Provide the basis for the person's belief that the person that filed the record was not entitled to do so under Section 75-9-509(d).

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( \* \* \* e) The filing of \* \* \* an information statement does not affect the effectiveness of an initial financing statement or other filed record.

**SECTION 18.** Section 75-9-521, Mississippi Code of 1972, is amended as follows:

75-9-521. (a) A filing office that accepts written records may not refuse to accept a written initial financing statement in the form and format set forth in the \* \* \* official text of the \* \* \* 2010 amendments to Article 9 of the Uniform Commercial Code promulgated by The American Law Institute and the National Conference of Commissioners on Uniform State Laws, except for a reason set forth in Section 75-9-516(b).

(b) A filing office that accepts written records may not refuse to accept a written record in the form and format set forth in the \* \* \* official text of the \* \* \* 2010 amendments to Article 9 of the Uniform Commercial Code promulgated by The American Law Institute and the National Conference of Commissioners on Uniform State Laws, except for a reason set forth in Section 75-9-516(b).

**SECTION 19.** Section 75-9-607, Mississippi Code of 1972, is amended as follows:

75-9-607. (a) If so agreed, and in any event after default, a secured party:

(1) May notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) May take any proceeds to which the secured party is entitled under Section 75-9-315;

(3) May enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(4) If it holds a security interest in a deposit account perfected by control under Section 75-9-104(a)(1), may apply the balance of the deposit account to the obligation secured by the deposit account; and

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(5) If it holds a security interest in a deposit account perfected by control under Section 75-9-104(a) (2) or (3), may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) If necessary to enable a secured party to exercise under subsection (a) (3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) The secured party's sworn affidavit in recordable form stating that:

(A) A default has occurred with respect to the obligation secured by the mortgage; and

(B) The secured party is entitled to enforce the mortgage nonjudicially.

(c) A secured party shall proceed in a commercially reasonable manner if the secured party:

(1) Undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(2) Is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) A secured party may deduct from the collections made pursuant to subsection (c) reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

**SECTION 20.** The following shall be codified as Section 75-9-801, Mississippi Code of 1972:

75-9-801. Effective date. This act takes effect on July 1, 2013.

**SECTION 21.** The following shall be codified as Section 75-9-802, Mississippi Code of 1972:

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75-9-802. Savings clause. (a) Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before this act takes effect.

(b) This act does not affect an action, case, or proceeding commenced before this act takes effect.

**SECTION 22.** The following shall be codified as Section 75-9-803, Mississippi Code of 1972:

75-9-803. Security interest perfected before effective date. (a) A security interest that is a perfected security interest immediately before this act takes effect is a perfected security interest under Article 9 as amended by this act if, when this act takes effect, the applicable requirements for attachment and perfection under Article 9 as amended by this act are satisfied without further action.

(b) Except as otherwise provided in Section 75-9-805, if, immediately before this act takes effect, a security interest is a perfected security interest, but the applicable requirements for perfection under Article 9 as amended by this act are not satisfied when this act takes effect, the security interest remains perfected thereafter only if the applicable requirements for perfection under Article 9 as amended by this act are satisfied within one (1) year after this act takes effect.

**SECTION 23.** The following shall be codified as Section 75-9-804, Mississippi Code of 1972:

75-9-804. Security interest unperfected before effective date. A security interest that is an unperfected security interest immediately before this act takes effect becomes a perfected security interest:

(1) Without further action, when this act takes effect if the applicable requirements for perfection under Article 9 as amended by this act are satisfied before or at that time; or

(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

**SECTION 24.** The following shall be codified as Section 75-9-805, Mississippi Code of 1972:

75-9-805. Effectiveness of action taken before effective date. (a) The filing of a financing statement before this act takes effect is effective to perfect a security interest to



the extent the filing would satisfy the applicable requirements for perfection under Article 9 as amended by this act.

(b) This act does not render ineffective an effective financing statement that, before this act takes effect, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before amendment. However, except as otherwise provided in subsections (c) and (d) and Section 75-9-806, the financing statement ceases to be effective:

(1) If the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had this act not taken effect; or

(2) If the financing statement is filed in another jurisdiction, at the earlier of:

(A) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(B) June 30, 2018.

(c) The filing of a continuation statement after this act takes effect does not continue the effectiveness of the financing statement filed before this act takes effect. However, upon the timely filing of a continuation statement after this act takes effect and in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by this act, the effectiveness of a financing statement filed in the same office in that jurisdiction before this act takes effect continues for the period provided by the law of that jurisdiction.

(d) Subsection (b) (2) (B) applies to a financing statement that, before this act takes effect, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before amendment, only to the extent that Article 9 as amended by this act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(e) A financing statement that includes a financing statement filed before this act takes effect and a continuation statement filed after this act takes effect is effective only to the



extent that it satisfies the requirements of Part 5 as amended by this act for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of Section 75-9-503(a)(2) as amended by this act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of Section 75-9-503(a)(3) as amended by this act.

**SECTION 25.** The following shall be codified as Section 75-9-806, Mississippi Code of 1972:

**75-9-806. When initial financing statement suffices to continue effectiveness of financing statement.** (a) The filing of an initial financing statement in the office specified in Section 75-9-501 continues the effectiveness of a financing statement filed before this act takes effect if:

(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under Article 9 as amended by this act;

(2) The pre-effective-date financing statement was filed in an office in another state; and

(3) The initial financing statement satisfies subsection (c).

(b) The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-effective-date financing statement:

(1) If the initial financing statement is filed before this act takes effect, for the period provided in unamended Section 75-9-515 with respect to an initial financing statement; and

(2) If the initial financing statement is filed after this act takes effect, for the period provided in Section 75-9-515 as amended by this act with respect to an initial financing statement.

(c) To be effective for purposes of subsection (a), an initial financing statement must:

(1) Satisfy the requirements of Part 5 as amended by this act for an initial financing statement;

(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(3) Indicate that the pre-effective-date financing statement remains effective.

**SECTION 26.** The following shall be codified as Section 75-9-807, Mississippi Code of 1972:

**75-9-807. Amendment of pre-effective-date financing statement.** (a) In this section, "pre-effective-date financing statement" means a financing statement filed before this act takes effect.

(b) After this act takes effect, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by this act. However, the effectiveness of a pre-effective-date financing statement may also be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after this act takes effect only if:

(1) The pre-effective-date financing statement and an amendment are filed in the office specified in Section 75-9-501;

(2) An amendment is filed in the office specified in Section 75-9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies Section 75-9-806(c); or

(3) An initial financing statement that provides the information as amended and satisfies Section 75-9-806(c) is filed in the office specified in Section 75-9-501.

(d) If the law of this state governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under Section 75-9-805(c) and (e) or 75-9-806.

(e) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this state may be terminated after this act takes effect by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies Section 75-9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Article 9 as amended by this act as the office in which to file a financing statement.

**SECTION 27.** The following shall be codified as Section 75-9-808, Mississippi Code of 1972:

**75-9-808. Person entitled to file initial financing statement or continuation statement.** A person may file an initial financing statement or a continuation statement under this part if:

(1) The secured party of record authorizes the filing; and

(2) The filing is necessary under this part:

(A) To continue the effectiveness of a financing statement filed before this act takes effect; or

(B) To perfect or continue the perfection of a security interest.

**SECTION 28.** The following shall be codified as Section 75-9-809, Mississippi Code of 1972:

**75-9-809. Priority.** This act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before this act takes effect, Article 9 as it existed before amendment determines priority.

**SECTION 29.** Section 75-2A-103, Mississippi Code of 1972, is amended as follows:

75-2A-103. (1) In this chapter unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may

be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed Twenty-five Thousand Dollars (\$25,000.00).

(f) "Fault" means wrongful act, omission, breach or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) One (1) of the following occurs:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and



use of the goods is a condition to effectiveness of the lease contract;

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) If the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing (a) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (b) that the lessee is entitled under this chapter to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and (c) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (Section 75-2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease.



Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this chapter. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this chapter and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

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(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Accessions"	Section 75-2A-310(1)
"Construction mortgage"	Section 75-2A-309(1) (d)
"Encumbrance"	Section 75-2A-309(1) (e)
"Fixtures"	Section 75-2A-309(1) (a)
"Fixture filing"	Section 75-2A-309(1) (b)
"Purchase money lease"	Section 75-2A-309(1) (c)

(3) The following definitions in other chapters apply to this chapter:

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"Account"	Section 75-9-102(a) (2)
"Between merchants"	Section 75-2-104(3)
"Buyer"	Section 75-2-103(1) (a)
"Chattel paper"	Section 75-9-102(a) (11)
"Consumer goods"	Section 75-9-102(a) (23)
"Document"	Section 75-9-102(a) (30)
"Entrusting"	Section 75-2-403(3)
"General intangible"	Section 75-9-102(a) (42)
"Instrument"	Section 75-9-102(a) (47)
"Merchant"	Section 75-2-104(1)
"Mortgage"	Section 75-9-102(a) (55)
"Pursuant to commitment"	Section* * * <u>75-9-102(a) (69)</u>
"Receipt"	Section 75-2-103(1) (c)
"Sale"	Section 75-2-106(1)
"Sale on approval"	Section 75-2-326
"Sale or return"	Section 75-2-326
"Seller"	Section 75-2-103(1) (d)

(4) In addition, Chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

**SECTION 30.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2674**

**Description:** Rankin-Hinds Pearl River Flood and Drainage Control District; technical revisions to certain requirements.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 436

**History of Actions:**

- |           |       |     |  |
|-----------|-------|-----|--|
| 1         | 01/21 | (S) | Referred To Environment Prot, Cons and |
| Water Res |       |     |  |
| 2         | 02/05 | (S) | Title Suff Do Pass                     |
| 3         | 02/06 | (S) | Passed {Vote}                          |
| 4         | 02/06 | (S) | Motion to Reconsider Entered           |
| 5         | 02/12 | (S) | Motion to Reconsider Tabled            |
| 6         | 02/12 | (S) | Transmitted To House                   |
| 7         | 02/20 | (H) | Referred To Conservation and Water     |
| Resources |       |     |  |
| 8         | 02/28 | (H) | Title Suff Do Pass As Amended          |
| 9         | 03/01 | (H) | Amended                                |
| 10        | 03/01 | (H) | Passed As Amended {Vote}               |
| 11        | 03/04 | (H) | Returned For Concurrence               |
| 12        | 03/12 | (S) | Concurred in Amend From House {Vote}   |
| 13        | 03/18 | (S) | Enrolled Bill Signed                   |
| 14        | 03/18 | (H) | Enrolled Bill Signed                   |
| 15        | 03/25 |     | Approved by Governor                   |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2674

**Code Section:** A 051-0035-0307, A 051-0035-0315, A 051-0035-0317, A 051-0035-0319, A 051-0035-0325

----- Additional Information -----

*Senate Committee:* Environment Prot, Cons and Water Res

*House Committee:* Conservation and Water Resources

*Principal Author:* Harkins

**Title:** AN ACT TO AMEND SECTION 51-35-307, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL REVISIONS TO THE URBAN FLOOD CONTROL LAW PROVIDING FOR THE ESTABLISHMENT OF THE RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT; TO AMEND SECTION 51-35-315, MISSISSIPPI CODE OF 1972, TO REQUIRE PURCHASES PURSUANT TO STATE PURCHASING LAWS; TO CLARIFY STATUS AS A POLITICAL SUBDIVISION; TO DELETE SAND AND GRAVEL AS MINERALS; TO AMEND SECTION 51-35-317, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT DIRECTORS RESIDE OR BE A PROPERTY OWNER IN THE DISTRICT; TO AMEND SECTION 51-35-319, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT CONSTRUCTION CONTRACTS BE LET PURSUANT TO STATE PURCHASING AND BID LAWS; TO AMEND SECTION 51-35-325, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BONDS ISSUED SHALL BE REVENUE BONDS AND PROVIDE FOR A REFERENDUM ON THE ISSUANCE OF REVENUE BONDS; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI SB 2674

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Environment Prot, Cons and Water Res

By: Senator(s) Harkins

**Senate Bill 2674**

(As Sent to Governor)

AN ACT TO AMEND SECTION 51-35-307, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL REVISIONS TO THE URBAN FLOOD CONTROL LAW PROVIDING FOR THE ESTABLISHMENT OF THE RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT; TO AMEND SECTION 51-35-315, MISSISSIPPI CODE OF 1972, TO REQUIRE PURCHASES PURSUANT TO STATE PURCHASING LAWS; TO CLARIFY STATUS AS A POLITICAL SUBDIVISION; TO DELETE SAND AND GRAVEL AS MINERALS; TO AMEND SECTION 51-35-317, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT DIRECTORS RESIDE OR BE A PROPERTY OWNER IN THE DISTRICT; TO AMEND SECTION 51-35-319, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT CONSTRUCTION CONTRACTS BE LET PURSUANT TO STATE PURCHASING AND BID LAWS; TO AMEND SECTION 51-35-325, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BONDS ISSUED SHALL BE REVENUE BONDS AND PROVIDE FOR A REFERENDUM ON THE ISSUANCE OF REVENUE BONDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 51-35-307, Mississippi Code of 1972, is amended as follows:

51-35-307. Any municipality which may be, in whole or in part, a part of a proposed flood and drainage control district organized under the terms of this article, and when authorized by a resolution of a majority of its governing authorities, may petition the chancery court of the county in which the proposed district is located, or the chancery court of either county in which lands to be included in the proposed district are located if the lands to be included in the proposed district are located in two or more counties, to organize and establish a flood and drainage control district and shall set forth in the petition:

(a) The proposed name of the district and the areas to be included in the district, \* \* \* the areas to be that area directly or indirectly benefited by or protected from overflow or flood waters by the contemplated flood or drainage control improvements and any area which is necessary to be

included in the district to carry out the purposes of this article. Any municipality or any part thereof, or any county or any part thereof, which is subject to overflow or flood from waters of any river or its tributaries, or which benefits from improvements, may be included in the district.

(b) The fact that a preliminary report or study to determine the engineering feasibility of constructing flood or drainage control improvements along any river or its tributaries has been made by a competent engineer or engineering firm, or any other competent institution or agency, and that such study or report shows that the construction of such facilities is feasible for flood and drainage control or for any of the other purposes or services contemplated by the legislative declaration of public policy in this article.

(c) The necessity and desirability for the construction of such facilities.

(d) A general description of the purposes of the contemplated works, a general description of the plan including the lands to be protected by said flood or drainage control improvements or otherwise affected thereby, and maps or plats showing the general location of any flood and drainage control improvements and related facilities. The word "project" when used herein shall mean the general plan and purposes of the flood and drainage control improvements and associated development, as set out in this petition to the chancery court, and the words "project area" shall mean the physical location of any levees, channels, drains, or related facilities\* \* \* and associated development, and those areas which\* \* \* are necessary to be included in the district to carry out the purposes of this article, and the area of the district as shown on the plats filed with the chancery court. The words "related facilities" as used in this article shall mean any facilities which are correlated with or used in connection with the project.

The petition shall be filed with as many copies as there are parties defendant. A copy of the preliminary report or study shall be attached to the original petition as an exhibit.

It shall not be necessary that any landowners in the counties to be included in said proposed district be named in the petition or made parties defendant. The chancellor of the chancery court in which said petition shall be filed shall have jurisdiction of the entire flood control district and project

area for the purposes of this article. Such jurisdiction may be exercised by the chancellor in\* \* \* termtime or in vacation, as provided in this article.

In the event any part of the proposed flood and drainage control district lies outside the limits of the municipality filing the petition, the county or counties in which lie said lands outside said municipality shall be made a defendant to the petition by service on the clerk of the board of supervisors; however, should said county or counties join in said petition pursuant to a resolution of a majority of the members of the board of supervisors thereof, it shall not be necessary to make said county or counties a defendant to said petition.

In the event any part of said proposed flood and drainage control district lies within any municipality other than said municipality petitioning for the creation of said district, said municipality or municipalities not joining in said petition shall be made a defendant to said petition by service of process on the clerk of said municipality; however, should said municipality join in said petition pursuant to a resolution of a majority of the governing authorities thereof, it shall not be necessary to make said municipality a defendant to said petition.

**SECTION 2.** Section 51-35-315, Mississippi Code of 1972, is amended as follows:

51-35-315. The said district through its board of directors is hereby empowered:

(a) To impound, divert, change, alter, or otherwise control overflow water and the surface water of any river or its tributaries within the project area within or without such district at such place or places and in such amount\* \* \* by the diversion of rivers or their tributaries, by the construction of a dam or dams, a levee or levees, a channel or channels, reservoir or reservoirs, works, pumps, plants, and any other necessary or useful related facilities contemplated or described as a part of the project within or without the district. The district is also empowered to construct or otherwise acquire within the project area all works, plants, or other facilities necessary or useful to the project for the purpose of carrying out the provisions of this article.

(b) To cooperate with the United States of America in the construction of flood and drainage control improvements, for the protection of property, controlling floods, reclaiming overflow lands, and preventing overflows in this state; and for the purpose of operating and maintaining dams, reservoirs, channels, levees, pumps, and other flood control works and improvements which may be constructed by the United States of America or any department or agency thereof.

(c) When said project, or any part thereof, is to be constructed by the United States of America or any agency or department thereof, to furnish, without cost to the United States of America, all lands, easements, and rights of way necessary for the construction of the project or any part thereof; to hold and save the United States free from damages due to said construction; to make, without cost to the United States, any changes, alterations, or relocation of any public utilities, roads, highways, bridges, buildings, or local betterment made necessary by the work; to provide assurances to the United States of America that encroachment on the levees, improved channels, and pond areas will not be permitted; to maintain and operate the improvements after completion thereof in accordance with regulations prescribed by the United States of America or any agency or department thereof; to contribute in cash to the United States of America, or any agency or department thereof, such sums of money as shall be required by the United States of America, or any agency or department thereof, as a condition for the construction of any improvements by the United States or any agency or department thereof; and generally, without being limited by any of the above, to carry out and faithfully perform any obligations cast upon the district as a condition to the construction of any flood control work, project, or improvements by the United States of America, or any agency or department thereof, and to give assurances to the United States of America that the district will so do.

(d) To construct, acquire, and develop all facilities within the project area deemed necessary or useful with respect thereto.

(e) To prevent or aid in the prevention of damage to person or property from the waters of any river or any of its tributaries.



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(f) To acquire by purchase, lease, gift, or in any other manner (otherwise than by condemnation) and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein within the project area, within or without the boundaries of the district, necessary for the project and convenient to the exercise of the powers, rights, privileges, and functions conferred upon the district by this article.

(g) To acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein within the project area, within or without the boundaries of the district, necessary for the project and the exercise of the powers, rights, privileges, and functions conferred upon the district by this article, according to the procedure provided by law for the condemnation of lands or other property taken for rights of way or other purposes by railroads, telephone, or telegraph companies. For the purposes of carrying out this article, the right of eminent domain of such district shall be superior and dominant to the right of eminent domain of railroad, telegraph, telephone, gas, power, and other companies or corporations, and shall be sufficient to enable the acquisition of county roads, state highways, or other public property in the project area, and the acquisition, or relocation, of the above mentioned utility property in the project area.

The amount and character of interest in land, other property, and easements thus to be acquired shall be determined by the board of directors; and their determination shall be conclusive and shall not be subject to attack in the absence of manifold abuse of discretion or fraud on the part of such board in making such determination. However,

1. In acquiring lands, either by negotiation or condemnation, the district shall not acquire minerals or royalties within the project area, sand and gravel not being considered as minerals within the meaning of this section; and

2. No person or persons owning the mining rights, drilling rights, or the right to share in production shall be prevented from exploring, developing, or producing\* \* \* oil\* \* \* or gas with necessary rights of way for ingress, egress,\* \* \* pipelines, and other means of transporting such products by reason of the inclusion of such lands or mineral



interests within the project area, whether below or above the\* \* \* waterline, but any such activities shall be under such reasonable regulations and limitations by the board of directors as will adequately protect and reduce the impacts to the project; and

3. In drilling and developing, such persons are hereby vested with a special right to have such mineral interest integrated and their lands developed in such drilling unit or units as the State Oil and Gas Board shall establish after due consideration of the rights of all of the owners to be included in the drilling unit.

(h) To require the necessary relocation of bridges, roads, and highways, railroad, telephone, and telegraph lines and properties, electric power lines, gas\* \* \* pipelines and mains and facilities in the project area, or to require the anchoring or other protection of any of these, provided due compensation is first paid the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation. It is further provided that the district is hereby authorized to acquire easements or rights -of -way in or outside of the project area for the relocation of such road, highway, railroad, telephone, and telegraph lines and properties, electrical power lines, gas\* \* \* pipelines and mains and facilities, and to convey the same to the owners thereof in connection with such relocation as a part of the construction of the project.

(i) To overflow and inundate any public lands and public and private property, including sixteenth section lands and in -lieu lands, within the project area.

(j) To construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate any and all facilities of any kind within the project area necessary or convenient to the project and to the exercise of such powers, rights, privileges, and functions.

(k) To sue and to be sued in its corporate name and shall be considered a political subdivision pursuant to Section 11-46-1.

(l) To adopt, use, and alter a corporate seal.

(m) To make bylaws for the management and regulation of its affairs.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2674

(n) To employ engineers, attorneys, fiscal agents, advisors, and all necessary agents and employees to properly finance, construct, operate, and maintain the project and the plants and facilities of the district and carry out the provisions of this article, and to pay reasonable compensation for such services.

(o) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this article.

(p) To make or cause to be made surveys and engineering investigations relating to the project, or related projects, for the information of the district to facilitate the accomplishment of the purposes for which it is created.

(q) To apply for and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and to ratify and accept applications heretofore or hereafter made by voluntary associations to such agencies for grants to construct, maintain, or operate any project or projects which hereafter may be undertaken or contemplated by said district.

(r) To do any and all other acts or things necessary or convenient to the exercising of the powers, rights, privileges, or functions conferred upon it by this article or any other act of law.

(s) To make such contracts in the issuance of bonds as may be necessary to insure the marketability thereof.

(t) To operate and maintain within the project area, with the consent of the governing body of any city, town or county located within the district, any works, plants, or facilities of any such city, town, or county deemed necessary or convenient to the accomplishment of the purposes for which the district is created.

(u) Subject to the provisions of this article, from time to time to lease, sell, or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein within the project area or acquired outside the project area as authorized in this article, for the purpose of furthering the business of the district.

(v) To make such changes in location of levees, channels, drains, or related facilities, or other changes, alterations,

or modifications in the plan filed with the petition creating the district, which may be necessary for the accomplishment of the general purposes of the district.

(w) In the event the board of directors of the district determines that it would meet a public necessity and would be conducive to the public welfare to vary, alter, enlarge, diminish, or otherwise change the areas included in the district for the purpose of carrying out any of the purposes contemplated by this article, the board of directors of the district may at any time file a petition in the chancery court of the county having jurisdiction of the district, setting forth the reasons for said change in said area, and the chancery court or the chancellor in vacation shall have the power and jurisdiction to vary, alter, enlarge, diminish, or otherwise change said area included in the district under the procedure set forth in Sections 51-35-309 through 51-35-313. However, such action by the chancery court or the chancellor in vacation shall not affect or impair any financial obligations of said district as they existed prior to such action, nor shall any liens or rights of any bondholders upon the lands included in the district be impaired by such action.

(x) All equipment, supplies, heavy equipment, contracts on lease -purchase agreements, and office supplies\* \* \* shall be purchased pursuant to state purchasing law.

**SECTION 3.** Section 51-35-317, Mississippi Code of 1972, is amended as follows:

51-35-317. All powers of the district shall be exercised by a board of directors, to be composed of the following:

(a) In the event the proposed flood and drainage control district lies wholly within the limits of one (1) municipality, the governing authorities of said municipality shall appoint three (3) directors and the board of supervisors of the county in which said municipality lies shall appoint two (2) directors.

(b) In the event the proposed flood and drainage control district is comprised of lands lying partly in a municipality and partly outside the limits of a municipality but wholly in one (1) county, the governing authorities of said municipality shall appoint three (3) directors and the board of supervisors of the county in which said municipality lies shall appoint two (2) directors. However, should the assessed valuation of land

and property and improvements in said district outside the municipality, according to the last preceding tax assessment roll for county and state taxes, exceed said assessment for the land and property and improvements of the district lying within the municipality, the board of supervisors of the county in which said district lies shall appoint three (3) directors and said municipality shall appoint two (2) directors.

(c) In the event the proposed flood and drainage control district is comprised of lands lying, in whole or in part, in one or more municipalities which are in existence at the time of the creation of such district, and in one or more counties and not falling within the description of (a) or (b) above, each such municipality shall appoint one (1) director and the board of supervisors of each county in which part of the lands of the proposed district lie shall appoint one (1) director. In the event there are one or more new municipalities incorporated within the district after the organization of such district, each such municipality shall be given a director of the district. However, in the event that selection of directors in said manner results in an even number of directors, the Governor of the State of Mississippi shall appoint one (1) additional director who is a member of the State Fair Commission so that there shall be an odd number of directors.\* \* \*

(d) Each director shall take and subscribe to the oath of office required by Section 268 of the Constitution of the State of Mississippi, before a chancery clerk, that he will faithfully discharge the duties of the office, which oath shall be filed with the said clerk and by him preserved.

(e) Each director shall receive a fee not to exceed such amount as set forth in Section 25-3-69 for attending each meeting of the board and for each day actually spent in attending to the necessary business of the district and shall receive reimbursement for actual expenses thus incurred upon express authorization of the board.

(f) The board of directors shall annually elect from its number a president and a vice president of the district and such other officers as in the judgment of the board are necessary. The president shall be the chief executive officer of the district and the presiding officer of the board, and shall have the same right to vote as any other director. The vice president shall perform all the duties and exercise all



powers conferred by this article upon the president when the president is absent or fails or declines to act, except the president's right to vote. The board shall also appoint a secretary and a treasurer who may or may not be members of the board, and it may combine these offices. The treasurer shall give bond in the sum of not less than Fifty Thousand Dollars (\$50,000.00), as set by the board of directors, and each director shall give bond in the sum of not less than Ten Thousand Dollars (\$10,000.00), and the premiums on said bonds shall be an expense of the district. The condition of each such bond shall be that the treasurer or director will faithfully perform all duties of the office and account for all money which shall come into his custody as treasurer or director of the district.

(g) In the event a county or municipality entitled to appoint a director or directors to the district shall not do so within twenty (20) days from the date of the order of the chancery court creating the district, the chancery court or the chancellor in vacation shall forthwith exercise the right of said county or municipality in appointing a director or directors.

(h) Each director shall hold office for a period of four (4) years from the date of his appointment. However, in order to insure continuity of experience among the members of the board of directors in any district created after the effective date of this act, one (1) member of the initial board of directors shall hold office for only one (1) year, one (1) member shall hold office for only two (2) years, and one (1) member shall hold office for only three (3) years, and, at the initial meeting of the board of directors, they shall determine by lot which of their members shall serve for only one (1), two (2), \* \* \* or three (3) years.

(i) No person shall be disqualified from serving as a member of the board of directors by virtue of his having previously served as a director, by virtue of his holding any other office, political or otherwise, or by virtue of his not residing in or owning lands in said district.

**SECTION 4.** Section 51-35-319, Mississippi Code of 1972, is amended as follows:

51-35-319. All construction contracts of the district, which shall be let solely by the district\* \* \* shall comply with state purchasing and bid laws and the board of directors



of the district shall award the contract\* \* \* pursuant to state purchasing and bid laws. The contractor will comply with the terms imposed by such board and enter into bond with sufficient sureties, to be approved by the board, in such penalty as shall be fixed by such board, but in no case to be less than the contract price, conditioned for the prompt, proper, and efficient performance of the contract.

**SECTION 5.** Section 51-35-325, Mississippi Code of 1972, is amended as follows:

51-35-325.\* \* \* Before issuing any revenue bonds hereunder, the board of directors of the district shall adopt a resolution declaring its intention to so issue, stating the amount of bonds proposed to be issued, the purpose for which the bonds are to be issued, and the date upon which the governing body proposes to direct the issuance of such bonds. Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the district. The first publication of such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the issuance of the bonds and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such district, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in the district, and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in the district. If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors living or owning property in the district shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the issuance of such bonds shall be called and held as herein provided. If no such protest be filed, then such bonds may be issued without an election at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the board of directors of the district, in its discretion, may nevertheless call an election on the question of the issuance of the bonds, in which event it shall not be necessary to publish the resolution declaring its intention to issue bonds as herein provided.

**2013 GENERAL LAWS OF MISSISSIPPI SB 2674**

**SECTION 6.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2698**

**Description:** Home Inspector Regulatory Board; abolish board and transfer duties to Mississippi Real Estate Commission.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* \*\* See Text

*Chapter Number:* 442

**History of Actions:**

1	01/21	(S)	Referred To Business and Financial Institutions
2	02/04	(S)	Title Suff Do Pass Comm Sub
3	02/06	(S)	Committee Substitute Adopted
4	02/06	(S)	Amended
5	02/06	(S)	Passed As Amended {Vote}
6	02/11	(S)	Transmitted To House
7	02/21	(H)	Referred To Judiciary B
8	03/04	(H)	Title Suff Do Pass
9	03/05	(H)	Read the Third Time
10	03/12	(H)	Passed {Vote}
11	03/13	(H)	Transmitted To Senate
12	03/18	(S)	Enrolled Bill Signed
13	03/18	(H)	Enrolled Bill Signed
14	03/25		Approved by Governor

**Amendments:**

[S] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote

**Code Section:** A 073-0060-0001, A 073-0060-0003, A 073-0060-0007, A 073-0060-0023, A 073-0060-0029, A 073-0060-0045, RP 073-0060-0005

**----- Additional Information -----**

**Senate Committee:** Business and Financial Institutions

**House Committee:** Judiciary B

**Principal Author:** Jackson (15th)

**Title:** AN ACT TO AMEND SECTIONS 73-60-1, 73-60-3, 73-60-7, 73-60-23, 73-60-29 AND 73-60-45, MISSISSIPPI CODE OF 1972, TO REMOVE ALL REFERENCES TO THE HOME INSPECTOR REGULATORY BOARD AND TRANSFER ITS DUTIES TO THE MISSISSIPPI REAL ESTATE COMMISSION; TO REPEAL SECTION 73-60-5, MISSISSIPPI CODE OF 1972, WHICH CREATES THE HOME INSPECTOR REGULATORY BOARD AND PROVIDES FOR ITS MEMBERSHIP; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2698

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Business and Financial Institutions

By: Senator(s) Jackson (15th)

**Senate Bill 2698**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 73-60-1, 73-60-3, 73-60-7, 73-60-23, 73-60-29 AND 73-60-45, MISSISSIPPI CODE OF 1972, TO REMOVE ALL REFERENCES TO THE HOME INSPECTOR REGULATORY BOARD AND TRANSFER ITS DUTIES TO THE MISSISSIPPI REAL ESTATE COMMISSION; TO REPEAL SECTION 73-60-5, MISSISSIPPI CODE OF 1972, WHICH CREATES THE HOME INSPECTOR REGULATORY BOARD AND PROVIDES FOR ITS MEMBERSHIP; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-60-1, Mississippi Code of 1972, is amended as follows: .

73-60-1. The following words shall have the meaning ascribed in this section unless the context clearly indicates otherwise:

(a) "Client" means any person who engages or seeks to engage the services of a home inspector for the purpose of obtaining an inspection of and written report on the conditions of a residential building.

(b) "Home inspection" means the process by which a home inspector examines the observable systems and components of improvements to residential real property that are readily accessible.

(c) "Home inspection report" means a written evaluation prepared and issued by a home inspector concerning the condition of the improvements to residential real property.

(d) "Home inspector" means any person, who for compensation, conducts a home inspection.

\* \* \*

(\* \* \*\_e) "Residential real property" means a structure intended to be, or that is in fact, used as a residence and consisting of one (1) to four (4) family dwelling units.



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2698

( \* \* \* f ) "Commission" means the Mississippi Real Estate Commission as established under Section 73-35-5, Mississippi Code of 1972.

**SECTION 2.** Section 73-60-3, Mississippi Code of 1972, is amended as follows:

73-60-3. This chapter shall be administered and enforced by the Mississippi Real Estate Commission, which shall have the duties and powers to:

(a) Receive applications for licensure as a home inspector under this chapter, establish appropriate administrative procedures for the processing of applications and issue licenses to qualified applicants pursuant to the provisions of this chapter;

(b) Implement recommendations made to the commission\* \* \* with respect to upgrading and improving the experience, education and examination requirements that are required for a home inspector license;

(c) Adopt and publish a code of ethics and standards of practice for persons licensed under this chapter;

(d) Collect all licensing fees required or permitted by this chapter;

(e) Take appropriate action upon a decision and the related findings of fact made by\* \* \* the commission, or a hearing officer employed by the commission, if, after an administrative hearing, the\* \* \* commission or hearing officer (i) determines that a licensed home inspector under this chapter has violated the code of ethics and standards established under this section, and (ii) recommends that the license of the home inspector be suspended or revoked, that renewal be denied, or that some other disciplinary action be taken;

(f) Develop and adopt a licensing examination, which would meet nationally recognized standards, to determine the knowledge of an applicant of the home inspector profession;

(g) Solicit bids and enter into contracts with one (1) or more educational testing services or organizations approved by the board for the preparation of questions and answers for licensure examinations under this chapter;

(h) Develop the application and license forms;

(i) Adopt rules and regulations for the administration of this chapter that are not inconsistent with the provisions of this chapter or the Constitution and laws of Mississippi or of the United States;

(j) Employ an assistant to the commission administrator who shall keep a record of all proceedings, transactions, communications and official acts of the commission and\* \* \* perform such other duties as the commission\* \* \* may require; and

(k) Employ such other staff and technical assistance as may be necessary to properly administer the requirements of this chapter.

**SECTION 3.** Section 73-60-7, Mississippi Code of 1972, is amended as follows:

73-60-7. (1) The\* \* \* Mississippi Real Estate Commission shall have the duties and powers to:

(a) Be responsible for matters relating to home inspectors' code of ethics and standards, home inspector qualifications, testing standards and disciplinary functions.

(b) Hold meetings, public hearings and administrative hearings and prepare examination specifications for licensed home inspectors.

(c) Conduct investigations, subpoena individuals and records, administer oaths, take testimony and receive evidence and to do all other things necessary and proper to discipline a person licensed under this chapter and to enforce this chapter. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon application by the commission, may issue to this person an order requiring him to appear before the commission, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt of court.

(d) Further define by regulation, the type of educational experience, home inspector experience and equivalent experience that will meet the statutory requirements.

(e)\* \* \* Suspend or revoke licenses pursuant to the disciplinary proceedings provided for in this chapter.

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(f) Present an annual budget to the Mississippi Legislature for approval. A copy of the budget shall be given to the commission.

(2) The members of the commission\* \* \* shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or participating in any disciplinary proceeding concerning, a home inspector licensed pursuant to this chapter, provided that such action is taken without malicious intent and in the reasonable belief that the action was taken pursuant to the powers and duties vested in the members of the commission\* \* \* under this chapter.

**SECTION 4.** Section 73-60-23, Mississippi Code of 1972, is amended as follows:

73-60-23. (1) Each person who applies for renewal of his license shall successfully complete home inspector continuing education courses approved by the commission at the rate of twenty (20) hours every two (2) years. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the commission pursuant to rule\* \* \*.

(2) The commission shall establish criteria for certifying providers of continuing education for home inspectors. All such continuing education providers must be approved by the commission.

(3) Each renewal applicant shall certify, on his or her renewal application, full compliance with continuing education requirements. The provider of approval of continuing education shall retain and submit to the commission, after the completion of each course, evidence of those successfully completing the course.

**SECTION 5.** Section 73-60-29, Mississippi Code of 1972, is amended as follows:

73-60-29. The commission shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the\* \* \* commission.

**LICENSURE FEES:**

Application and examination.....	\$175.00
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2013 GENERAL LAWS OF MISSISSIPPI SB 2698

Initial and renewal license..... \$325.00  
Delinquent renewal penalty..... 100% of renewal fee

**SERVICES:**

For each change of address..... \$25.00  
For each duplicate license..... \$25.00  
To change status as a licensee from active to inactive..... \$25.00  
For each bad check received by the commission..... \$25.00

All fees charged and collected under this chapter shall be paid by the commission at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Home Inspector License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to such fund for the use of the\* \* \* commission in carrying out the provisions of the chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. All interest earned on the Home Inspector License Fund shall be retained by the\* \* \* commission for purposes consistent with this chapter.\* \* \* The commission shall prepare an annual statement of income and expenses related to its regulatory related administrative function.

**SECTION 6.** Section 73-60-45, Mississippi Code of 1972, is amended as follows:

73-60-45. The\* \* \* commission may employ legal counsel to represent it in any proceedings when legal counsel is required.

**SECTION 7.** Section 73-60-5, Mississippi Code of 1972, which creates the Home Inspector Regulatory Board and provides for its membership, is repealed.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2700**

**Description:** Deer Island Acquisition, Reclamation and Preservation Fund; authorize funds to be utilized for acquisition of Cat Island.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 487

**History of Actions:**

- 1 01/21 (S) Referred To Finance
- 2 02/05 (S) Title Suff Do Pass Comm Sub
- 3 02/12 (S) Committee Substitute Adopted
- 4 02/12 (S) Amended
- 5 02/12 (S) Passed As Amended {Vote}
- 6 02/14 (S) Transmitted To House
- 7 02/21 (H) Referred To Public Property; Ways and

**Means**

- 8 02/26 (H) DR - TSDP: PP To WM
- 9 03/05 (H) DR - TSDP: WM To PP
- 10 03/05 (H) Title Suff Do Pass
- 11 03/12 (H) Amended
- 12 03/12 (H) Passed As Amended {Vote}
- 13 03/13 (H) Returned For Concurrence
- 14 03/22 (S) Concurred in Amend From House {Vote}
- 15 03/27 (S) Enrolled Bill Signed
- 16 03/27 (H) Enrolled Bill Signed
- 17 04/03 Approved by Governor

**Amendments:**

[S] Amendment No 1 (Cmte Sub) **Adopted** Voice Vote

[H] Amendment No 1 **Adopted** Voice Vote

Amendment Report for Senate Bill No. 2700

----- Additional Information -----



*Senate Committee:* Finance

*House Committee:* Public Property, Ways and Means

*Principal Author:* Wiggins

*Additional Authors:* Blount

**Title:** AN ACT TO AMEND SECTIONS 1 THROUGH 21, CHAPTER 522, LAWS OF 2002, AS AMENDED BY SECTION 10, CHAPTER 431, LAWS OF 2011, TO AUTHORIZE FUNDS IN THE DEER ISLAND ACQUISITION, RECLAMATION AND PRESERVATION FUND TO BE UTILIZED FOR THE ACQUISITION, RECLAMATION AND PRESERVATION OF CAT ISLAND; TO REVISE THE TIME WITHIN WHICH THE SECRETARY OF STATE MUST MAKE AN ACCOUNTING OF UNUSED BOND PROCEEDS ISSUED UNDER THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2700

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Wiggins, Blount

**Senate Bill 2700**

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 1 THROUGH 21, CHAPTER 522, LAWS OF 2002, AS AMENDED BY SECTION 10, CHAPTER 431, LAWS OF 2011, TO AUTHORIZE FUNDS IN THE DEER ISLAND ACQUISITION, RECLAMATION AND PRESERVATION FUND TO BE UTILIZED FOR THE ACQUISITION, RECLAMATION AND PRESERVATION OF CAT ISLAND; TO REVISE THE TIME WITHIN WHICH THE SECRETARY OF STATE MUST MAKE AN ACCOUNTING OF UNUSED BOND PROCEEDS ISSUED UNDER THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Sections 1 through 21, Chapter 522, Laws of 2002, as amended by Section 10, Chapter 431, Laws of 2011, are amended as follows:

Section 10. Sections 1 through 21, Chapter 522, Laws of 2002, are amended as follows:

Section 1. As used in Sections 1 through 19 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "Coastal" means within the geographical area of Hancock, Harrison and Jackson Counties.

(c) "Coastal preserve" means an exceptional area of uplands, wetlands, tidelands or submerged lands and their associated waters set aside for preserving their ecological integrity and for being maintained essentially in their natural state or existing condition for the public benefit.

2013 GENERAL LAWS OF MISSISSIPPI SB 2700

(d) "Coastal Preserve System" means the entire body of Mississippi coastal preserves as heretofore previously designated by the Mississippi Commission on Marine Resources pursuant to Section 49-27-65(c) and as may be designated in the future.

(e) "State" means the State of Mississippi.

(f) "Commission" means the State Bond Commission.

(g) "Department" means the Mississippi Department of Marine Resources.

Section 2. (1) (a) A special fund, to be designated as the "Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such special fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Secretary of State, to provide funds for the acquisition, reclamation, and preservation of Deer\* \* \* and Cat Islands as part of the Coastal Preserve System, with the Coastal Preserve System to be managed by the Department of Marine Resources in cooperation with the Secretary of State. However, the Department of Marine Resources may not take any action relating to Deer\* \* \* and Cat Islands unless authorized by the Mississippi Commission on Marine Resources at a meeting or meetings complying with the provisions of Section 25-41-1 et seq., Mississippi Code of 1972. The Mississippi Commission on Marine Resources shall comply with the Mississippi Administrative Procedures Law (Section 25-43-1 et seq., Mississippi Code of 1972) in promulgating and adopting rules or regulations, or both, relating to Deer\* \* \* and Cat Islands.

(c) Acquisition of Deer\* \* \* and Cat Islands shall be based upon appraisal and the acquisition price shall not be an amount in excess of its appraised value. For purposes of this paragraph one (1) appraisal shall be sufficient.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of acquisition, reclamation and preservation of Deer\* \* \* and Cat Islands as described in

subsection (1) of this section. If any monies in such special fund are not used within five (5) years after the date the proceeds of the bonds authorized under Sections 1 through 19 of this act are deposited into the special fund, or within five (5) years after the effective date of Senate Bill No. 2700, 2013 Regular Session, whichever is later, then the Secretary of State shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under Sections 1 through 19 of this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Secretary of State is expressly authorized and empowered to receive and expend any other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Secretary of State, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration or his designee.

Section 3. For the purpose of providing for the payment of the principal of and the interest upon bonds issued under the provisions of Sections 1 through 19 of this act or any indebtedness incurred under Section 20 of this act, or both, there is hereby created in the State Treasury the "Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Bond Sinking Fund." Such sinking fund shall consist of the money required to be deposited into such fund pursuant to Section 18 of this act and such other amounts as shall be paid into such fund by appropriation or other authorization by the Legislature. Funds required in excess of the amounts available in the Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Bond Sinking Fund to pay the principal of and the interest upon bonds issued under the provisions of Sections 1 through 19 of this act shall be appropriated from the State General Fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2700

General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

Section 4. (1) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Section 2 of this act. Upon the issuance of a certificate by the Secretary of State, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Secretary of State shall deliver a certified copy of his certificate or certificates to the commission. Upon receipt of such certificate, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. Subject to the provisions of this act, the total amount of bonds issued under Sections 1 through 19 of this act shall not exceed Ten Million Dollars (\$10,000,000.00).

(2) Any investment earnings on amounts deposited into the special fund created in Section 2 of this act shall be used to pay debt service on bonds issued under Sections 1 through 19 of this act, in accordance with the proceedings authorizing issuance of such bonds.

Section 5. The principal of and interest on the bonds authorized under Sections 1 through 19 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed ten (10) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.



Section 6. The bonds authorized by Sections 1 through 19 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

Section 7. All bonds and interest coupons issued under the provisions of Sections 1 through 19 of this act have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by Sections 1 through 19 of this act, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

Section 8. The commission shall act as the issuing agent for the bonds authorized under Sections 1 through 19 of this act, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 1 through 19 of this act from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2700

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of Sections 1 through 19 of this act, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 9. The bonds issued under the provisions of Sections 1 through 19 of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds available in the Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Bond Sinking Fund and any funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 10. Upon the issuance and sale of bonds under the provisions of Sections 1 through 19 of this act, the commission shall transfer the proceeds of any such sale or sales to the special fund created in Section 2 of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Secretary of State under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 11. The bonds authorized under Sections 1 through 19 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 1 through 19 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 1 through 19 of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2700

Section 12. The bonds authorized under the authority of Sections 1 through 19 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

Section 13. Any holder of bonds issued under the provisions of Sections 1 through 19 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 1 through 19 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 19 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

Section 14. All bonds issued under the provisions of Sections 1 through 19 of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 15. Bonds issued under the provisions of Sections 1 through 19 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

Section 16. The proceeds of the bonds issued under Sections 1 through 19 of this act shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

Section 17. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 1 through 19 of this act; and the

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2700

State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

Section 18. From the funds it receives under Section 29-15-9, Mississippi Code of 1972, the Commission on Marine Resources shall deposit the amount of funds necessary to annually pay the principal of and interest on bonds issued pursuant to Sections 1 through 19 of this act or any indebtedness incurred under Section 20 of this act, or both, into the Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Bond Sinking Fund created in Section 3 of this act. Any funds received by the Commission on Marine Resources under Section 29-15-9, and used by the Commission on Marine Resources for any purpose related to the acquisition, reclamation and preservation of Deer\* \* \* and Cat Islands, other than for deposit into the Deer\* \* \* and Cat Islands Acquisition, Reclamation and Preservation Bond Sinking Fund created in Section 3 of this act, shall be subject to legislative appropriation.

Section 19. Except as otherwise provided in this act, Sections 1 through 19 of this act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but Sections 1 through 19 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

Section 20. In addition to, and not as a limitation of, the availability of the use of proceeds from general obligation bonds issued under Sections 1 through 19 of this act, the Secretary of State may borrow money from the Mississippi Development Bank pursuant to Section 31-25-1 et seq., Mississippi Code of 1972, to provide funds for the acquisition, reclamation, and preservation of Deer Island as described in Section 2 of this act. Subject to the provisions of this act, any loan made by the Mississippi Development Bank to the Secretary of State for the purposes stated in this section may be made upon such terms and conditions as prescribed by and between the Mississippi Development Bank and the Secretary of State pursuant to Section 31-25-1 et seq. The Secretary of State may not borrow money from the Mississippi Development Bank under this section after July 1, 2005.

Section 21. The total amount of bonds issued under Sections 1 through 19 of this act and any indebtedness incurred under



## 2013 GENERAL LAWS OF MISSISSIPPI SB 2700

Section 20 of this act shall not exceed Ten Million Dollars (\$10,000,000.00) in the aggregate.

**SECTION 2.** This act shall take effect and be in force from and after its passage.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2705**

**Description:** Tunica County; authorize contributions to the Institute of Community Services, Inc.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Two/Thirds

*Effective date:* Passage

*Chapter Number:* 903

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (S) | Referred To Local and Private             |
| 2  | 02/26 | (S) | Title Suff Do Pass                        |
| 3  | 02/28 | (S) | Passed {Vote}                             |
| 4  | 03/01 | (S) | Transmitted To House                      |
| 5  | 03/08 | (H) | Referred To Local and Private Legislation |
| 6  | 03/13 | (H) | Title Suff Do Pass                        |
| 7  | 03/14 | (H) | Passed {Vote}                             |
| 8  | 03/15 | (H) | Transmitted To Senate                     |
| 9  | 03/18 | (S) | Enrolled Bill Signed                      |
| 10 | 03/18 | (H) | Enrolled Bill Signed                      |
| 11 | 03/25 |     | Approved by Governor                      |

**----- Additional Information -----**

**Senate Committee:** Local and Private

**House Committee:** Local and Private Legislation

**Principal Author:** Jackson (11th)

**Title:** AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY TO CONTRIBUTE FUNDS TO THE INSTITUTE OF COMMUNITY SERVICES, INC., TO ASSIST THE INSTITUTE IN OPERATING HEAD START CLASSES FOR CHILDREN IN TUNICA COUNTY, TO ACQUIRE, OPERATE AND MAINTAIN NEW AND EXISTING VEHICLES TO BE USED TO TRANSPORT THE CHILDREN TO AND FROM THE HEAD START FACILITY AND TO PROVIDE DAY CARE VOUCHERS FOR PARENTS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2705

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private

By: Senator(s) Jackson (11th)

**Senate Bill 2705**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY TO CONTRIBUTE FUNDS TO THE INSTITUTE OF COMMUNITY SERVICES, INC., TO ASSIST THE INSTITUTE IN OPERATING HEAD START CLASSES FOR CHILDREN IN TUNICA COUNTY, TO ACQUIRE, OPERATE AND MAINTAIN NEW AND EXISTING VEHICLES TO BE USED TO TRANSPORT THE CHILDREN TO AND FROM THE HEAD START FACILITY AND TO PROVIDE DAY CARE VOUCHERS FOR PARENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Board of Supervisors of Tunica County, Mississippi, in its discretion, may contribute an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) during calendar year 2013 and an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) during calendar year 2014, from any available funds of the county, to the Institute of Community Services, Inc., to be used for the following purposes:

(a) To assist the institute in operating its Head Start classes for three- and four-year-old children in Tunica County;

(b) To acquire, operate and maintain new and existing vehicles to be used to transport children to and from the Head Start facility; and

(c) To provide day care vouchers to parents of Head Start students.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2737**

**Description:** Mississippi Professional Massage Therapy Act; extend repealer.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* General Bill/Constitutional Amendment

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 477

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 01/21 | (S) | Referred To Public Health and Welfare           |
| 2  | 01/30 | (S) | Title Suff Do Pass Comm Sub                     |
| 3  | 02/07 | (S) | Committee Substitute Adopted                    |
| 4  | 02/07 | (S) | Passed {Vote}                                   |
| 5  | 02/08 | (S) | Transmitted To House                            |
| 6  | 02/20 | (H) | Referred To Public Health and Human<br>Services |
| 7  | 02/26 | (H) | Title Suff Do Pass As Amended                   |
| 8  | 03/06 | (H) | Amended   |
| 9  | 03/06 | (H) | Passed As Amended {Vote}                        |
| 10 | 03/07 | (H) | Returned For Concurrence                        |
| 11 | 03/19 | (S) | Concurred in Amend From House {Vote}            |
| 12 | 03/21 | (S) | Enrolled Bill Signed                            |
| 13 | 03/21 | (H) | Enrolled Bill Signed                            |
| 14 | 03/27 |     | Approved by Governor                            |

**Amendments:**

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2737

**Code Section:** R 073-0067-0001, R 073-0067-0003, R 073-0067-0005, A 073-0067-0007, R 073-0067-0009, R 073-0067-0011, R 073-0067-0013, R 073-0067-0015, R 073-0067-0017, R 073-0067-0019, A 073-0067-0021, A 073-0067-0023, A 073-0067-0025, R 073-0067-0027, A 073-0067-0029, R 073-0067-0031, R 073-0067-0033, A 073-0067-0035, R 073-0067-0037, A 073-0067-0039

----- Additional Information -----

*Senate Committee:* Public Health and Welfare

*House Committee:* Public Health and Human Services

*Principal Author:* Burton

*Additional Authors:* Dawkins

**Title:** AN ACT TO REENACT SECTIONS 73-67-1 THROUGH 73-67-37, MISSISSIPPI CODE OF 1972, WHICH IS THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT; TO AMEND SECTION 73-67-7, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE MASSAGE THERAPY ACT; TO AMEND SECTION 73-67-21, MISSISSIPPI CODE OF 1972, TO REQUIRE MASSAGE THERAPY LICENSES TO BE PROMINENTLY DISPLAYED AND TO REQUIRE APPLICANTS TO COMPLETE CRIMINAL BACKGROUND CHECK AND FINGERPRINTING FOR LICENSURE; TO AMEND SECTION 73-67-23, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN EXAMINATION REQUIREMENTS FOR APPLICANTS; TO AMEND SECTION 73-67-25, MISSISSIPPI CODE OF 1972, TO CLARIFY RECIPROCITY PROVISIONS; TO AMEND SECTION 73-67-29, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN EXEMPTIONS FROM ADVERTISING RESTRICTIONS FOR LICENSEES; TO AMEND SECTION 73-67-35, MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN STANDARDS FOR MASSAGE THERAPY SCHOOLS; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2737

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare

By: Senator(s) Burton, Dawkins

**Senate Bill 2737**

(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-67-1 THROUGH 73-67-37, MISSISSIPPI CODE OF 1972, WHICH IS THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT; TO AMEND SECTION 73-67-7, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE MASSAGE THERAPY ACT; TO AMEND SECTION 73-67-21, MISSISSIPPI CODE OF 1972, TO REQUIRE MASSAGE THERAPY LICENSES TO BE PROMINENTLY DISPLAYED AND TO REQUIRE APPLICANTS TO COMPLETE CRIMINAL BACKGROUND CHECK AND FINGERPRINTING FOR LICENSURE; TO AMEND SECTION 73-67-23, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN EXAMINATION REQUIREMENTS FOR APPLICANTS; TO AMEND SECTION 73-67-25, MISSISSIPPI CODE OF 1972, TO CLARIFY RECIPROCITY PROVISIONS; TO AMEND SECTION 73-67-29, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN EXEMPTIONS FROM ADVERTISING RESTRICTIONS FOR LICENSEES; TO AMEND SECTION 73-67-35, MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN STANDARDS FOR MASSAGE THERAPY SCHOOLS; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-67-1, Mississippi Code of 1972, is reenacted as follows:

73-67-1. This chapter shall be known and may be cited as the "Mississippi Professional Massage Therapy Act."

**SECTION 2.** Section 73-67-3, Mississippi Code of 1972, is reenacted as follows:

73-67-3. The Legislature finds that in the profession and practice of massage therapy there is a necessity to preserve and protect individual life and health, promote the public interest and welfare by providing for the licensure of massage therapists and assuring public safety.

**SECTION 3.** Section 73-67-5, Mississippi Code of 1972, is reenacted as follows:



73-67-5. (1) The provisions of this chapter shall not apply to the following:

(a) Persons state licensed, state registered, state certified, or otherwise state credentialed by the laws of this state to include massage as part of their practice, or other allied modalities that are certified by a nationally accredited organization recognized by the board;

(b) Students enrolled in a massage therapy school and, at the same time, working in a student clinic, and out-of-state massage therapy instructors when teaching in these programs;

(2) Any exemption granted under this section is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this law, and exemptions under this section are only for those activities that are currently authorized and performed in the course of the bona fide practice of the business or profession of the person exempted.

**SECTION 4.** Section 73-67-7, Mississippi Code of 1972, is amended as follows:

73-67-7. For purposes of this chapter, the following terms shall have the meanings stated in this section, unless otherwise stated:

(a) "Approved massage therapy school" means a facility that is licensed by this board and meets the curriculum and instruction requirements as stated in this chapter.

(b) "Board" means the State Board of Massage Therapy as created in this chapter.

(c) "Board-accepted hours" means hours of education accepted by the board to meet requirements of exemption and/or continuing education for pre-act practitioners and is different from "board-approved programs" and/or "board-approved school hours."

(d) "Classroom hour" means no less than fifty (50) minutes of any one (1) clock hour during which the student participates in a learning activity under the supervision of a board licensed instructor.

(e) "Examination" means the State Board of Massage Therapy approved examination for licensure.

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(f) "License" means a State Board of Massage Therapy approved form of credential indicating that the license holder has met the requirements of this chapter for the practice of massage therapy.

(g) "Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). "Therapy" means action aimed at achieving or increasing health and wellness. "Massage therapy" means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools such as electric hand massagers used adjunctively to the application of hand massage or devices designed as t-bars or knobbies, and (iii) instruct self-care and stress management. "Manual" means by use of hand or body.

(h) "Massage establishment" means a place of business where massage is being conducted.

(i) "Massage therapist" means a person who practices massage therapy.

(j) "MPMTA" means the "Mississippi Professional Massage Therapy Act."

(k) "Mississippi State Law Examination" means the comprehensive examination on the Mississippi Professional Massage Therapy Act and the associated relevant Board Rules and Regulations that is given by the board or its representative.

(\* \* \* 1) "Pre-act practitioner" means an individual who has practiced professional massage therapy before January 1, 2001.

(1\* \* \* m) "Professional" means requiring minimum standards of conduct, ethics and education.

(\* \* \* n) "Provisional permit" means a temporary permit approved by the board when all requirements, other than board-approved national or state examinations\* \* \*, have been met, not to exceed ninety (90) days.

**SECTION 5.** Section 73-67-9, Mississippi Code of 1972, is reenacted as follows:

73-67-9. (1) There is created the State Board of Massage Therapy.

(2) The board shall consist of five (5) members appointed by the Governor, with the advice and consent of the Senate. At least three (3) members shall be appointed from a list submitted by state representatives of one or more nationally recognized professional massage therapy association(s), all of whom must be residents of Mississippi and must have engaged in the practice of massage therapy within the state for at least three (3) years, one (1) member shall be a licensed health professional in a health field other than massage therapy and one (1) member shall be a consumer at large who is not associated with or financially interested in the practice or business of massage therapy. No member of the board may be an owner or partner of a massage therapy school. The initial members of the board shall be appointed for staggered terms, as follows: one (1) member shall be appointed for a term that ends on June 30, 2002; one (1) member shall be appointed for a term that ends on June 30, 2003; one (1) member shall be appointed for a term that ends on June 30, 2004; and two (2) members shall be appointed for terms that end on June 30, 2005. Appointments shall be made within ninety (90) days from July 1, 2001.

(3) All subsequent appointments to the board shall be appointed by the Governor for terms of four (4) years from the expiration date of the previous term. No person shall be appointed for more than two (2) consecutive terms. By approval of the majority of the board, the service of a member may be extended at the completion of a four-year term until a new member is appointed or the current member is reappointed. The board shall elect one (1) of the appointed massage therapists as the chairman of the board.

(4) A majority of the board may appoint an executive director and other such individuals, including an attorney, as may be necessary to implement the provisions of this chapter. The board may hold additional meetings at such times and places as it deems necessary. A majority of the board shall constitute a quorum and a majority of the board shall be required to grant or revoke a license.

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**SECTION 6.** Section 73-67-11, Mississippi Code of 1972, is reenacted as follows:

73-67-11. Before entering upon discharge of the duties of the office, the executive director of the board shall furnish a bond, approved by the board, to the state in the sum of Five Thousand Dollars (\$5,000.00). The bond shall be conditioned upon the faithful discharge of the duties of the office, the premium on the bond shall be paid from funds paid into the State Treasury by the director of the board, and the bond shall be deposited with the Secretary of State. All fees and other monies collected or received by the board shall be paid into and credited to a special fund that is created in the State Treasury, which shall be known as the "State Board of Massage Therapy Fund." Any interest earned on the special fund shall be credited to the special fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. Monies in the special fund shall be expended exclusively for the purposes of carrying out the provisions of this chapter. Disbursement of monies in the special fund shall be made only upon warrants issued by the State Fiscal Officer upon requisitions signed by the treasurer of the board. The financial records of the board shall be audited annually by the State Auditor. The board shall receive no appropriations from any state funds for its support except from the special fund.

**SECTION 7.** Section 73-67-13, Mississippi Code of 1972, is reenacted as follows:

73-67-13. Each member of the board shall receive the per diem authorized under Section 25-3-69 for each day actually discharging his official duties, and shall receive reimbursement for mileage and necessary expense incurred, as provided in Section 25-3-41. The expenses of the board in carrying out the provisions of this chapter shall be paid upon requisitions signed by the chairman and/or secretary of the board and warrants signed by the State Fiscal Officer from the State Board of Massage Therapy Fund. Such expenses shall not exceed the amount paid into the State Treasury under the provisions of this chapter.

**SECTION 8.** Section 73-67-15, Mississippi Code of 1972, is reenacted as follows:

73-67-15. (1) The board shall:



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(a) Adopt an official seal and keep a record of its proceedings, persons licensed as massage therapists, and a record of the licenses that have been revoked or suspended;

(b) Keep on file all appropriate records pertaining to each license;

(c) Annually, on or before February 15, make a report to the Governor and Legislature of all of its official acts during the preceding year, its total receipts and disbursements, and a full and complete report of relevant statistical and significantly notable conditions of massage therapists in this state as uniformly stipulated by the board;

(d) Evaluate the qualifications of applicants for licensure under this chapter, and advise applicants as to the acceptance or denial of licensure with any reasons for denial within forty-five (45) days;

(e) Issue licenses to applicants who meet the requirements of this chapter;

(f) Inspect, or have inspected, when required, the business premises of any licensed massage therapist during their operating hours, so long as that inspection does not infringe on the reasonable privacy of any therapist's clients;

(g) Establish minimum training and educational standards for obtaining a license under this chapter, provided that requirements do not decrease;

(h) Establish a procedure for approval of educational standards required by this chapter;

(i) Investigate persons suspected of engaging in practices that may violate provisions of this chapter;

(j) Revoke, suspend or deny a license in accordance with the provisions of this chapter;

(k) Adopt an annual budget;

(l) Establish policies with respect to continuing education;

(m) Adopt rules:

(i) Specifying standards and procedures for issuance of a provisional permit;



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(ii) Specifying licensure procedures for practitioners desiring to be licensed in this state who hold an active license or credentials from another state board;

(iii) The board shall prescribe renewal procedures, requirements, dates and fees for massage therapy licenses issued by the board and shall include provisions for inactive and lapsed licenses; those rules shall be in accordance with Section 33-1-39;

(n) Make available all forms necessary for carrying out all provisions of this chapter and any and all necessary business of the board;

(o) Establish written duties of the executive director;

(p) Establish a set of reasonable and customary fines and penalties for violations of this chapter, and fees, including refund policies, which shall be standardized and not exceeded unless amended with at least thirty (30) days' notice to those who are licensed;

(q) Establish, amend or repeal any rules or regulations necessary to carry out the purposes of this chapter and the duties and responsibilities of the board. Affected practitioners shall be sent relevant changes no less than once per licensure renewal;

(r) The board shall maintain a current register listing the name of every massage therapist licensed to practice in this state, his/her last known place of business and last known place of residence, and the date and number of his/her license;

(s) The board shall set up guidelines for the operation of schools of massage therapy, and it is charged with that regulation in this state. The board may prescribe reasonable rules and regulations governing schools of massage therapy for the guidance of persons licensed under this chapter in the operation of schools of massage therapy and in the practice of massage therapy. When the board has reasons to believe that any of the provisions of this chapter or the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging those violations or upon the board's own initiative, the board or any of its authorized agents shall investigate same and may enter upon the premises of a school of massage therapy at any time during regular business hours of that school to conduct the

investigation. The investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or school owner(s) and/or students of the school, and reviewing records of the school pertinent to the complaint and related to an area subject to the authority of the board.

(2) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of the member's office. Board members shall be immune from civil liability pertaining to any legal functions involving the carrying out of the activities and responsibilities of this chapter.

**SECTION 9.** Section 73-67-17, Mississippi Code of 1972, is reenacted as follows:

73-67-17. The board may adopt rules:

(a) Establishing reasonable standards concerning the sanitary, hygienic and healthful conditions of the licensed massage therapist and of premises and facilities used by massage therapists;

(b) Relating to the methods and procedures used in the practice of massage;

(c) Governing the examination and investigation of applicants for the licenses issued under this chapter and the issuance, renewal, suspension and revocation of the license;

(d) Setting standards for certifying continuing education classes;

(e) Requiring that massage therapists supply the board with the accurate, current address or addresses where they practice massage;

(f) Establishing the educational, training and experience requirements for licensure by reciprocity;

(g) Establishing requirements for issuance and retention of an inactive license and/or provisional permits.

**SECTION 10.** Section 73-67-19, Mississippi Code of 1972, is reenacted as follows:

73-67-19. (1) The board shall report to the proper district attorney all cases that, in the judgment of the board, warrant prosecution.

(2) Massage therapists or establishments may not be discriminated against regarding business licenses and shall be treated as any other health care profession.

(3) Any civil penalty imposed under this section shall become due and payable when the person incurring the penalty receives a notice in writing of the penalty. The notice shall be sent by registered or certified mail. The person to whom the notice is addressed shall have thirty (30) days from the date of mailing of the notice in which to make written application for a hearing. Any person who makes that application shall be entitled to a hearing. The hearing shall be conducted as a contested case hearing. When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, unless the amount of penalty is paid within ten (10) days after the order becomes final, it may be recorded with the circuit clerk in any county of this state. The clerk shall then record the name of the person incurring the penalty and the amount of the penalty in his lien record book.

(4) Where the board proposes to refuse to grant or renew a license or proposes to revoke or suspend a license, an opportunity for a hearing shall be accorded. The board may designate any competent person(s) to preside at the hearing. The board shall promulgate rules for the conduct of hearings and issuance of orders.

(5) The board may adopt rules requiring any person, including, but not limited to, licensed massage therapists, corporations, organizations, health care facilities and state or local governmental agencies to report to the board any conviction, determination or finding that a holder of a license has committed an act that constitutes unprofessional conduct, or to report information that indicates that the holder of a license may not be able to practice his profession with reasonable skill and safety to consumers as a result of a mental, emotional or physical condition. If the entity fails to furnish a required report, the board may petition the circuit court of the county in which the entity resides or is found, and the court shall issue to the entity an order to furnish the required report. A failure to obey the order is a contempt of court.

(6) A person is immune from civil liability, whether direct or derivative, for providing information to the board.

(7) Upon the complaint of any citizen of this state, or upon its own motion, the board may investigate any alleged violation of this chapter. In the conduct of investigations, the board may take evidence; take the depositions of witnesses, including the person charged; compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases; require answers to interrogations; and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(8) The board shall make available, upon request, written appeals procedures for anyone whose license has been denied, suspended or revoked, and/or for anyone accused of violating any provisions of this chapter.

(9) Any time the board intends to deny an application for licensure, or suspend or revoke an existing license, the board shall give the person an opportunity for a hearing before taking final action.

**SECTION 11.** Section 73-67-21, Mississippi Code of 1972, is amended as follows:

73-67-21. (1) It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the board of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per offense.

(2) No person may advertise massage or practice massage for compensation in this state unless he is licensed as a massage therapist by the board. No person may use the title of or represent himself to be a massage therapist or use any other title, abbreviations, letters, figures, signs or devices that indicate that the person is a massage therapist unless he is licensed to practice massage therapy under the provisions of this chapter.\* \* \* A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(3) The following are requirements for licensure:

(a) An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.



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(b) An application must provide proof of high school graduate equivalency.

(c) An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with that license.

(d) An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical testing, and supply documentation of familiarity with the Americans With Disabilities Act.

(e) All required fees for licensure must be submitted by the applicant.

(f) Any and all requirements regarding good moral character and competency, as provided for in this chapter and in accepted codes of ethics, shall be met.

(g) An applicant must have completed an approved continuing education course on communicable diseases, including HIV/AIDS information and prevention.

(h) The applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of no less than the minimum requirement for supervised in-class massage therapy instruction and student clinic, with a minimum grade requirement of "C" or better in every course of instruction, as stated for school requirements.

(4) The following pre-act practitioners are exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3) (h) of this section:

(a) Those having more than three hundred (300) documented, board-accepted in-class hours of massage therapy education before January 1, 2001.

(b) Those having more than five (5) years of professional massage therapy experience and a minimum of one hundred fifty (150) hours of approved massage therapy education.

(c) Those having no formal training, but who have successfully passed the National Certification Examination for Therapeutic Massage and Bodywork.



(d) All grandfathering exemption allowances as stated in this subsection (4) shall end on July 1, 2002, for nonstudents, and on June 1, 2003, for students who were enrolled in a part-time massage school curriculum on July 1, 2001. Individuals may apply for a license until the grandfathering exemption ends, but may not practice massage beyond the allowed grace period as provided for in Section 73-67-37 unless a valid massage therapy license or provisional permit is obtained. Except as provided in subsection (5) of this section, all other pre-act practitioners and anyone not practicing massage therapy before January 1, 2001, must take and pass the licensure examination and follow the requirements in this chapter to practice massage therapy for compensation in Mississippi.

(e) Students enrolled in a massage therapy curriculum of at least five hundred (500) hours on July 1, 2001, who complete graduation from the same curriculum.

(5) Any person who has practiced massage therapy for a period of more than twenty-five (25) years before March 14, 2005, who is employed as a massage therapist by a YMCA or YWCA authorized and existing as a nonprofit corporation under the laws of this state on March 14, 2005, is exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3)(b), (d), (g) and (h) of this section. Persons exempt under this subsection may apply for a massage therapy license until January 1, 2006, but may not practice massage therapy after January 1, 2006, unless a valid license is obtained.

(6) Certificates of registration issued by the board before July 1, 2008, shall remain valid as licenses until the next renewal period.

(7) An applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

(a) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a

full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(b) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(c) The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(d) The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

**SECTION 12.** Section 73-67-23, Mississippi Code of 1972, is amended as follows:

73-67-23. (1) The purpose of requiring examination is to determine that each applicant for licensure possesses the minimum skills and knowledge to practice competently.

(2) The board shall accept as evidence of competency, in addition to all other requirements as stated in this chapter, the successful completion of\* \* \* any\* \* \* state, nationally or internationally accredited examination approved by the board.

(3) Eligibility requirements to take\* \* \* an examination approved by the board are set by the\* \* \* organization that is responsible for establishing and maintaining the examination.

(4) An applicant for licensure who has been previously licensed may be required to take\* \* \* an examination approved by the board and achieve a passing score before re-licensure under any one (1) of the following circumstances:

(a) The applicant has been unlicensed voluntarily for more than thirty-six (36) calendar months; or

(b) The board may require reexamination in any disciplinary order, based upon the findings and conclusions relative to the competency of a holder of a license to practice massage before issuing an unconditional license.

(5) An applicant for licensure must also successfully complete the Mississippi State Law Examination.

**SECTION 13.** Section 73-67-25, Mississippi Code of 1972, is amended as follows:

73-67-25. (1) An applicant may be licensed by demonstrating proof that the applicant holds a valid, current license in another state with similar educational requirements to those required by this chapter, and that all other licensure requirements under this chapter are met. This is subject to investigation by the board and excludes grandfathering by other states.

(2) If an individual who is licensed in another state that has licensing standards substantially equivalent to the standards under this chapter applies for licensure, the board may issue a provisional permit authorizing the applicant to practice massage therapy pending completion of documentation that the applicant meets the requirements for licensure under this chapter\* \* \*. The provisional permit may reflect statutory limitations on the scope of practice. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination.

(3) A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(4) A license issued under this chapter is not transferable or assignable.

**SECTION 14.** Section 73-67-27, Mississippi Code of 1972, is reenacted as follows:

73-67-27. (1) The board may refuse to issue or renew or may deny, suspend or revoke any license held or applied for under this chapter upon finding that the holder of a license or applicant:

(a) Is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license provided for in this chapter;

(b) Attempted to use as his own the license of another;

(c) Allowed the use of his license by another;

(d) Has been adjudicated as mentally incompetent by regularly constituted authorities;

(e) Has been convicted of a crime, or has charges or disciplinary action pending that directly relates to the practice of massage therapy or to the ability to practice massage therapy. Any plea of nolo contendere shall be considered a conviction for the purposes of this section;

(f) Is guilty of unprofessional or unethical conduct as defined by the code of ethics;

(g) Is guilty of false, misleading or deceptive advertising, or is guilty of aiding or assisting in the advertising or practice of any unlicensed or unpermitted person in the practice of massage therapy;

(h) Is grossly negligent or incompetent in the practice of massage therapy;

(i) Has had rights, credentials or one or more license(s) to practice massage therapy revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction making such a revocation, suspension or denial shall be conclusive evidence thereof; or

(j) Has been convicted of any felony, other than a violation of federal or state tax laws.

(2) Investigative proceedings may be implemented by a complaint by any person, including members of the board.

(3) (a) Any person(s) found guilty of prostitution using as any advertisement, claim or insignia of being an actual



licensed massage therapist or to be practicing massage therapy by using the word "massage" or any other description indicating the same, whether or not the person(s) have one or more license for the person(s) or establishment(s), shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars (\$5,000.00), or imprisonment of up to six (6) months, or both, per offense, per person.

(b) Any person who knowingly participates in receiving illegal service(s) of any person found guilty as described in paragraph (a) of this subsection, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for up to one (1) month, or both. Persons officially designated to investigate complaints are exempt.

(c) Any person who violates any provision of this chapter, other than violation(s) of paragraph (a) of this subsection, is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for up to one (1) month in jail, or both, per offense.

(d) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted against either the accused, the charging party, or both, as it may elect.

**SECTION 15.** Section 73-67-29, Mississippi Code of 1972, is amended as follows:

73-67-29. (1) Any licensed massage therapist advertising by the use of radio, newspaper, television, electronic media, flyers, business cards, phone book or any other means shall include legibly, or clearly audible, the massage therapy license number issued to the therapist(s) on and/or with that advertising. Massage establishments with six (6) or more licensed massage therapists shall be exempt from this provision provided that the therapy or service is performed by person(s) licensed under this chapter.

(2) Any and all advertising of the licensed massage therapist shall be of a professional and ethical nature and shall not be attached to or identified with any pornographic or other establishment that may be construed as unprofessional



and/or unethical in the practice of professional massage therapy.

(3) No practice of, or advertisement by any means of, any type of therapy involving soft tissue movement by the use of any body part, instrument(s) or device(s), or any term that may be interpreted to involve massage, shiatsu, acupressure, oriental, Eastern or Asian massage techniques, spa, rub, or therapeutic touch, shall be allowed unless that therapy is performed by person(s) who are licensed or exempt as stated in this chapter.

(4) Providing information concerning continuing education of massage therapy shall not constitute advertising as that term is used in this section. National massage publications and out-of-state instruction/education/information materials are exempt.

(5) The advertising of any designation of massage, including the word "Swedish" (as used in this context), shall not be allowed in conjunction with any other term that the board finds questionable. Questionable terms may include "bath," "shampoo" and "escort."

(6) Massage schools that advertise for student clinic, or any other type of student massage, must conspicuously include the respective words "student massage" within the advertisement.

(7) Advertisers shall obtain the license number from each massage therapist before entering into an agreement or contract to advertise any form of massage therapy as stated in this chapter. The license number(s) shall be part of the actual advertisement. Massage establishments with six (6) or more licensed massage therapists shall be exempt from this provision provided that the therapy or service is performed by person(s) licensed under this chapter.

**SECTION 16.** Section 73-67-31, Mississippi Code of 1972, is reenacted as follows:

73-67-31. (1) All licensed massage therapists shall:

(a) Perform only those services for which they are qualified and which represent their training and education;

(b) Acknowledge their professional limitations and refer the client to an appropriate health professional when necessary, in cases where massage may be or is contraindicated;

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(c) Recognize and respect the rights of all ethical practitioners and cooperate with health professionals in a professional manner;

(d) Obtain and keep an overview or profile of the client's state of being and health history and discuss any problem areas that may contraindicate massage;

(e) Keep accurate and up-to-date records regarding a client's condition before and after massage therapy session in cases of a client being treated for a specific condition. Public, sports and on-site seated massage sessions are exempt from documentation; sports massage sessions are exempt from post-event documentation;

(f) Provide sensitive attention and response to client's comfort levels for pressure and touch, and shall not cause bruising with any regularity;

(g) Maintain clear and honest communications with their clients, and acknowledge the confidential nature of the professional relationship with a client and respect rights to privacy;

(h) Abide by all laws that pertain to their work as a massage therapist;

(i) In no way instigate or tolerate any kind of sexual advance while acting in the capacity of a massage therapist;

(j) Provide and use draping to cover all genitalia;

(k) Clean/disinfect his hands immediately before each massage session and/or use medical gloves.

(2) No massage therapist shall diagnose or prescribe medicine, drugs or treatment.

**SECTION 17.** Section 73-67-33, Mississippi Code of 1972, is reenacted as follows:

73-67-33. (1) Lavatories or wash basins provided with an adequate supply of both hot and cold running water should be available. Lavatories or wash basins shall be provided with soap in a dispenser and paper, individual use towels, or air dryers.

(2) Any mobile massage shall have a previous recording of the client's name, address where the therapy is to occur, estimated time of return, and phone number (if available) in a conspicuous record.

(3) Every massage establishment shall be equipped with a workable telephone for emergency calls.

(4) A copy of the State of Mississippi Professional Massage Therapy Code of Ethics and Professional Conduct shall be prominently displayed.

**SECTION 18.** Section 73-67-35, Mississippi Code of 1972, is amended as follows:

73-67-35. (1) To obtain a massage therapy license, an applicant must submit to the board the applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of not less than six hundred (600) hours of supervised in-class massage therapy instruction, and at least one hundred (100) hours of student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

(a) Two hundred (200) hours in massage theory and practicum;

(b) Two hundred (200) hours in science of the human body;

(c) Two hundred (200) hours in allied modalities; and

(d) One hundred (100) hours in supervised student clinic.

(2) "Massage theory and practicum" must include a minimum of the following classroom hours in the specified subject areas:

(a) Ten (10) hours in legalities including Mississippi massage law and ethics;

(b) Twenty (20) hours in history, benefits, indications and contraindications;

(c) One hundred (100) hours in massage demonstration and supervised practice, which must include, but is not limited to, client evaluation, stroking, kneading, stretching, friction, percussion, vibration, range of motion, hand held tools and devices designated as t-bars or knobbies, and draping and turning; and

(d) The remaining seventy (70) hours may expand on any or all of the previous three (3) subject areas and/or be related to practical massage.

(3) "Science of the human body" must include a minimum of the following classroom hours in the specified subject areas:

(a) Twenty (20) hours in anatomy, including all body systems;

(b) Twenty (20) hours in physiology, including all body systems;

(c) Twenty (20) hours in myology/kinesiology;

(d) Twenty (20) hours in neurology;

(e) Twenty (20) hours in pathology, including medical terminology; and

(f) The remaining one hundred (100) hours may expand on any or all of the previous six (6) subject areas and/or be related to the science of the human body.

(4) "Allied modalities" must include, but are not limited to, a minimum of the following classroom hours in the specified subject areas:

(a) Seven (7) hours in Eastern, European and Western theory/methods;

(b) Eight (8) hours in cardiopulmonary resuscitation (CPR) and first aid;

(c) Ten (10) hours in charting and documentation;

(d) Twenty-five (25) hours in hydrotherapy and infrared heat;

(e) Twenty (20) hours in referral methods within the health care system; and

(f) The remaining one hundred thirty (130) hours may expand on any or all of the previous five (5) subject areas, including the Americans With Disabilities Act, and/or be devoted to any approach to massage therapy and wellness, such as trigger points, management, communication, safety, oriental or Eastern massage techniques and specialized populations. Schools with a temporary or probationary board status license must include a comprehensive review class of no less than sixteen (16) hours and three (3) hours to sit for and pass the board comprehensive exam.

(5) "Student clinic" must include at least fifty (50) practical hands-on one-hour massage therapy sessions to be evaluated on documents filed and kept on record at the school



for a minimum of six (6) months. These evaluations are to be completed by the clients of the massage therapy sessions and shall include the client's name, address, reason for session, indications and contraindications, date and signature. Each completed session shall constitute two (2) hours of student clinic. The hands-on session must be supervised by an instructor, board licensed in the area being supervised.

(6) A massage therapy program shall not operate in the State of Mississippi unless it meets the minimum standards of curriculum for licensure as stated in this chapter. Massage schools and massage curriculums for licensure preparation must obtain a national accreditation from such agencies as the Commission on Massage Therapy Accreditation or programs with the same or greater requirements. Existing massage schools will have five (5) years from July 1, 2001, to obtain that accreditation. New massage schools will have five (5) years from the opening of the massage school to show conformance with the accreditation requirements. An existing accredited massage school that loses its accreditation will have three (3) years from the date of loss of its accreditation to show conformance with the accreditation requirements.

(7) No massage therapy program shall consist of more than forty (40) in-class clock hours per week.

(8) Hours credited through transfer credit shall not be recognized by the board unless the following transfer standards are met:

(a) The school shall be provided with a certified transcript from a school licensed or approved in that state;

(b) Courses for which credit is granted shall parallel in content and intensity to the course offered by the school;

(c) Documentation of previous training shall be included in each student's permanent file.

(9) Private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education may submit evidence of current accreditation in lieu of other application requests. Applications submitted on evidence of national accreditation must be approved or denied within\* \* \* sixty (60) days after receipt. If no action is taken within\* \* \* sixty (60) days, the application shall be deemed approved and a massage therapy license must be issued.



**2013 GENERAL LAWS OF MISSISSIPPI SB 2737**

**SECTION 19.** Section 73-67-37, Mississippi Code of 1972, is reenacted as follows:

73-67-37. The grace period for licenses to be issued shall be from March 28, 2002, until July 1, 2002. Those meeting the minimum requirements as stated in this chapter, except for obtaining a license, may continue the practice of massage therapy or instruction thereof within the grace period. Massage curriculums that begin before July 1, 2001, may continue with the same curriculum until completion. Anyone not meeting the minimum requirements as stated in this chapter shall not advertise massage therapy or instruction thereof until they meet the minimum requirements of this chapter.

**SECTION 20.** Section 73-67-39, Mississippi Code of 1972, is amended as follows:

73-67-39. Sections 73-67-1 through 73-67-37 shall stand repealed on July 1, \* \* \* 2018.

**SECTION 21.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2829**

**Description:** Sales and ad valorem tax; extend exemption for certain equipment used in the deployment of broadband technologies.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* Revenue

*Revenue:* Yes

*Vote type required:* Three/Fifths

*Effective date:* July 1, 2013

*Chapter Number:* 462

**History of Actions:**

- |    |       |     |                            |
|----|-------|-----|----------------------------|
| 1  | 02/11 | (S) | Referred To Finance        |
| 2  | 02/21 | (S) | Title Suff Do Pass         |
| 3  | 02/27 | (S) | Passed {Vote}              |
| 4  | 02/28 | (S) | Transmitted To House       |
| 5  | 03/08 | (H) | Referred To Ways and Means |
| 6  | 03/12 | (H) | Title Suff Do Pass         |
| 7  | 03/13 | (H) | Passed {Vote}              |
| 8  | 03/13 | (H) | Immediate Release          |
| 9  | 03/13 | (H) | Transmitted To Senate      |
| 10 | 03/18 | (S) | Enrolled Bill Signed       |
| 11 | 03/18 | (H) | Enrolled Bill Signed       |
| 12 | 03/25 |     | Approved by Governor       |

**Code Section:** A 027-0065-0101, A 057-0087-0007

**----- Additional Information -----**

**Senate Committee:** Finance

**House Committee:** Ways and Means

**Principal Author:** Fillingane

**Title:** AN ACT TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2020, THE SALES TAX EXEMPTION ON SALES OF EQUIPMENT TO TELECOMMUNICATIONS ENTERPRISES THAT IS USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-7, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2020, THE AD VALOREM TAX EXEMPTION FOR EQUIPMENT USED IN THE DEPLOYMENT OF

BROADBAND TECHNOLOGIES BY TELECOMMUNICATIONS ENTERPRISES;  
AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2829

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Fillingane

**Senate Bill 2829**

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2020, THE SALES TAX EXEMPTION ON SALES OF EQUIPMENT TO TELECOMMUNICATIONS ENTERPRISES THAT IS USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-7, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2020, THE AD VALOREM TAX EXEMPTION FOR EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES BY TELECOMMUNICATIONS ENTERPRISES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-65-101, Mississippi Code of 1972, is amended as follows:

\* \* \*

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or

shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty (50) tons load displacement and over, when sold by the manufacturer or builder thereof.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.



(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months

after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of thirty-five (35) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this paragraph.

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

## 2013 GENERAL LAWS OF MISSISSIPPI SB 2829

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-

5(f)(xxii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.



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(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.



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(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 57-117-3, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section

57-117-3. This paragraph shall be repealed from and after July 1, 2022.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for

the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, \* \* \* 2020, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, \* \* \* 2020, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

\* \* \*

**SECTION 2.** Section 57-87-7, Mississippi Code of 1972, is amended as follows:

57-87-7. Equipment used in the deployment of broadband technologies by a telecommunications enterprise (as defined in

Section 57-73-21(13)), that is placed in service after June 30, 2003, and before July 1, \* \* \* 2020, shall be exempt from ad valorem taxation for a period of ten (10) years after the date such equipment is placed in service. For purposes of this section, "equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2833**

**Description:** Income tax; credit for adoption expenses is allowed in the same year that the child is claimed as an exemption.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* Revenue

*Revenue:* Yes

*Vote type required:* Three/Fifths

*Effective date:* January 1, 2013

*Chapter Number:* 449

**History of Actions:**

- |    |       |     |                            |
|----|-------|-----|----------------------------|
| 1  | 02/11 | (S) | Referred To Finance        |
| 2  | 02/21 | (S) | Title Suff Do Pass         |
| 3  | 02/27 | (S) | Passed {Vote}              |
| 4  | 02/28 | (S) | Transmitted To House       |
| 5  | 03/08 | (H) | Referred To Ways and Means |
| 6  | 03/12 | (H) | Title Suff Do Pass         |
| 7  | 03/13 | (H) | Passed {Vote}              |
| 8  | 03/13 | (H) | Immediate Release          |
| 9  | 03/13 | (H) | Transmitted To Senate      |
| 10 | 03/18 | (S) | Enrolled Bill Signed       |
| 11 | 03/18 | (H) | Enrolled Bill Signed       |
| 12 | 03/25 |     | Approved by Governor       |

**Code Section:** A 027-0007-0022.32

**----- Additional Information -----**

**Senate Committee:** Finance

**House Committee:** Ways and Means

**Principal Author:** Gandy

**Additional Authors:** Hudson, McDaniel, Lee, Fillingane, Sojourner, Watson, Burton, Wilemon, Longwitz, Smith, Wiggins

**Title:** AN ACT TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCOME TAX CREDIT FOR THE AMOUNT OF QUALIFIED ADOPTION EXPENSES PAID OR INCURRED BY A TAXPAYER TO BE ALLOWED



IN THE SAME TAXABLE YEAR FOR A CHILD FOR WHICH AN EXEMPTION IS CLAIMED; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2833

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Gandy, Hudson, McDaniel, Lee, Fillingane,  
Sojourner, Watson, Burton, Wilemon, Longwitz, Smith, Wiggins

**Senate Bill 2833**

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCOME TAX CREDIT FOR THE AMOUNT OF QUALIFIED ADOPTION EXPENSES PAID OR INCURRED BY A TAXPAYER TO BE ALLOWED IN THE SAME TAXABLE YEAR FOR A CHILD FOR WHICH AN EXEMPTION IS CLAIMED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-7-22.32, Mississippi Code of 1972, is amended as follows:

27-7-22.32. There shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), for each dependent child legally adopted by a taxpayer under the laws of this state during calendar year 2006 or during any calendar year thereafter. The tax credit under this section may be claimed for the taxable year in which the adoption becomes final under the laws of this state. Any tax credit claimed under this section but not used in any taxable year may be carried forward for the three (3) succeeding tax years. A tax credit is\* \* \* allowed under this section for any child for which an exemption is claimed during the same taxable year under Section 27-7-21(e). For the purposes of this section, the term "qualified adoption expenses" means and has the same definition as that term has in 26 USCS 23.

**SECTION 2.** This act shall take effect and be in force from and after January 1, 2013.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2838**

**Description:** Coahoma County; increase the amount of interest on money in the hospital special fund that may be utilized for certain expenses.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 902

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 02/11 | (S) | Referred To Local and Private             |
| 2  | 02/26 | (S) | Title Suff Do Pass                        |
| 3  | 02/28 | (S) | Passed {Vote}                             |
| 4  | 03/01 | (S) | Transmitted To House                      |
| 5  | 03/08 | (H) | Referred To Local and Private Legislation |
| 6  | 03/13 | (H) | Title Suff Do Pass                        |
| 7  | 03/14 | (H) | Passed {Vote}                             |
| 8  | 03/15 | (H) | Transmitted To Senate                     |
| 9  | 03/18 | (S) | Enrolled Bill Signed                      |
| 10 | 03/18 | (H) | Enrolled Bill Signed                      |
| 11 | 03/25 |     | Approved by Governor                      |

**----- Additional Information -----**

**Senate Committee:** Local and Private

**House Committee:** Local and Private Legislation

**Principal Author:** Jackson (11th)

**Title:** AN ACT TO AMEND CHAPTER 919, LOCAL AND PRIVATE LAWS OF 1996, AS LAST AMENDED BY CHAPTER 958, LOCAL AND PRIVATE LAWS OF 2012, TO INCREASE FROM 50% TO 100% THE AMOUNT OF THE INTEREST EARNED IN THE PREVIOUS FISCAL YEAR ON THE INVESTMENT OF MONIES IN THE COUNTY SPECIAL FUND CREATED TO DEPOSIT FUNDS RECEIVED BY THE COUNTY AS A RESULT OF THE LEASE OF THE NORTHWEST MISSISSIPPI REGIONAL MEDICAL CENTER THAT MAY BE UTILIZED BY THE BOARD OF SUPERVISORS OF COAHOMA COUNTY, MISSISSIPPI, FOR CERTAIN PURPOSES;

TO INCLUDE THE CURRENT EXPENSES OF THE COUNTY WHICH WOULD OTHERWISE BE AUTHORIZED TO BE PAID OUT OF COUNTY GENERAL FUNDS AS ONE OF THE PURPOSES FOR WHICH SUCH INTEREST MAY BE UTILIZED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private

By: Senator(s) Jackson (11th)

**Senate Bill 2838**

(As Sent to Governor)

AN ACT TO AMEND CHAPTER 919, LOCAL AND PRIVATE LAWS OF 1996, AS LAST AMENDED BY CHAPTER 958, LOCAL AND PRIVATE LAWS OF 2012, TO INCREASE FROM 50% TO 100% THE AMOUNT OF THE INTEREST EARNED IN THE PREVIOUS FISCAL YEAR ON THE INVESTMENT OF MONIES IN THE COUNTY SPECIAL FUND CREATED TO DEPOSIT FUNDS RECEIVED BY THE COUNTY AS A RESULT OF THE LEASE OF THE NORTHWEST MISSISSIPPI REGIONAL MEDICAL CENTER THAT MAY BE UTILIZED BY THE BOARD OF SUPERVISORS OF COAHOMA COUNTY, MISSISSIPPI, FOR CERTAIN PURPOSES; TO INCLUDE THE CURRENT EXPENSES OF THE COUNTY WHICH WOULD OTHERWISE BE AUTHORIZED TO BE PAID OUT OF COUNTY GENERAL FUNDS AS ONE OF THE PURPOSES FOR WHICH SUCH INTEREST MAY BE UTILIZED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Chapter 919, Local and Private Laws of 1996, as amended by Chapter 927, Local and Private Laws of 1999, as amended by Chapter 958, Local and Private Laws of 2012, is amended as follows:

Section 1. (1) The Board of Supervisors of Coahoma County, Mississippi (the "board of supervisors"), is authorized to create a special fund within the county treasury of Coahoma County (the "county") and to deposit and invest those funds received by the county as a result of the lease of the Northwest Mississippi Regional Medical Center in the lease agreement dated December 28, 1995 (the "lease"), among the county, Clarksdale H.M.A., Inc., and Health Management Associates, Inc. The board of supervisors is authorized to deposit in that fund any part of the proceeds from the lease, however designated in the lease, whether the same represent rent, prepaid rent, lease payments or payments for purchase of assets. The board of supervisors is authorized to invest the monies in the fund in the manner prescribed by law for the investment of any county general funds.



(2) The board of supervisors is authorized to make one or more interfund loans from the fund created pursuant to subsection (1) of this section to any other fund of the county to finance any lawfully authorized project of the county for which the board of supervisors is otherwise authorized by law to issue bonds, notes or certificates of indebtedness. In making an interfund loan authorized by this subsection, it shall not be necessary to publish notice of intention to do so or to secure the consent of the qualified electors of the county by election or otherwise. Such loan shall be authorized by resolution of the board of supervisors. The indebtedness incurred pursuant to this subsection shall be considered when computing any limitation of indebtedness of the county as may be required by law. The terms and conditions of any interfund loan made pursuant to this subsection shall be included in the resolution passed by the board of supervisors that authorizes the loan. Interest shall not exceed the amount allowed in Section 75-17-107 or be less than the net treasury bill rate on the date of the resolution authorizing the loan. The term of such an interfund loan shall not exceed ten (10) years. The maximum amount that may be loaned for any one (1) project shall not exceed Five Million Dollars (\$5,000,000.00) and the aggregate amount loaned for all projects shall not exceed seventy-five percent (75%) of the principal amount of the fund created pursuant to subsection (1) of this section. Repayment of interfund loans shall be made from any funds available to the board of supervisors that may be used to support the project for which the loan was made.

(3) The board of supervisors shall administer and manage the fund as provided in this act.

Section 2. (1) Notwithstanding the provisions of Section 1 of this act, the board of supervisors is authorized to make a loan in an amount not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000.00) to the North Delta Public Improvements Corporation to finance the construction by the North Delta Public Improvements Corporation's construction of a new county jail. The term of this interfund loan shall not exceed twenty (20) years.

(2) The board of supervisors is also authorized to enter into a lease agreement with the North Delta Public Improvements Corporation to lease the newly constructed county jail, which lease agreement shall include the option for the county to

purchase the county jail at the conclusion of the lease term or at any time upon payment of the remaining lease payments.

Section 3. The board of supervisors is authorized in any fiscal year of the county to expend for the following purposes up to\* \* \* one hundred percent (100%) of the interest earned in the previous fiscal year on the investment of monies in the special fund created in Section 1 of this act:

(a) Support of health or health care-related services or programs for the citizens of the county;

(b) Emergency needs of the county as defined in Section 19-11-21, Mississippi Code of 1972, or repayment of expenses of the county incurred during any such emergency;\* \* \*

(c) Capital expenditures of the county which would otherwise be authorized out of county general funds\* \* \*; and

(d) Current expenses of the county which would otherwise be authorized to be paid out of county general funds.

Section 4. The expenditure of funds authorized in Section 3 of this act shall be made only in the following manner:

(a) The board of supervisors shall, by majority vote of all duly elected supervisors of the county, adopt an order finding it in the best interest of the citizens of the county to expend interest earned from the fund for the purposes set forth in this act, and the board of supervisors shall designate the amount of funds intended to be used, and the purpose or purposes proposed for the use of the funds (the "Project"), along with a proposed budget for the use of the funds.

(b) Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county. The first publication of such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for expenditure of the funds or any part of the funds; and the last publication shall be not more than seven (7) days prior to such date. If no newspaper be published in such county, then such notice shall be given by publishing the resolution for the required time in some newspaper having general circulation in such county and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in such county. If

twenty percent (20%), or one thousand five hundred (1,500), whichever is less, of the qualified electors of the county shall file a written protest against the expenditure of the funds on or before the date specified in such resolution, then an election on the question of expenditure of the funds shall be called and held as is provided in Sections 19-9-13 and 19-9-15, Mississippi Code of 1972. If no such protest be filed, then such expenditure of the funds may be instituted without an election on the question of the expenditure of the funds, at any time within a period of one (1) year after the date specified in the above-mentioned resolution. However, the board of supervisors, in its discretion, may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution. At such an election as provided in Section 19-9-15, Mississippi Code of 1972, the ballots used shall have printed thereon a brief statement of the amount and purpose of the proposed expenditure of the funds and the words "For the Expenditure" and "Against the Expenditure."

Results of the election shall be canvassed and determined under the provisions of Section 19-9-17, Mississippi Code of 1972. Unless three-fifths (3/5) of the qualified electors who voted in such election shall have voted in favor of the expenditure of the funds, then the expenditure of the funds shall not be made with monies in the special fund created in Section 1. Should three-fifths (3/5) of the qualified electors who vote in such election vote in favor of the proposed expenditure of the funds, then the expenditure of the funds may be made within one (1) year after the date of the election.

Section 5. Any funds not expended by the board of supervisors pursuant to Section 3 above shall be deposited in the special fund and reinvested pursuant to Section 1 of this act and shall become part of the principal balance of the funds.

Section 6. In the event of a bona fide health or health care-related emergency such that the health care-related needs of the citizens of the county are threatened, including, but not limited to, an emergency arising from the termination of the lease or default of the lessee or guarantor under the lease, upon unanimous order of all of the duly elected members of the board of supervisors of the county, and upon a unanimous finding of all of the board that an emergency exists as to the health care needs of the county, and that immediate

access to the monies in the special fund is necessary for the protection of the health and welfare of the citizens of the county, the board of supervisors is authorized to expend accrued collected interest from the fund or any portion of the principal of the fund for purposes of abating the health care emergency.

Section 7. Notwithstanding the provisions of Sections 1 through 6 of this act, the board of supervisors may expend any portion of the accrued collected interest from the fund or the principal of the fund:

(a) To pay any contingent liabilities, or associated costs, of Northwest Mississippi Regional Medical Center arising before the commencement date of the lease and that are not barred by limitations or sovereign immunity or that have not been assumed by the lessee under the lease;

(b) To purchase lessee's equipment in the event of termination of the lease;

(c) To exercise the county's right of first refusal to terminate the lease and reacquire possession of the leased assets pursuant to the terms of the lease; and

(d) To resume operations of the hospital in the event of termination of the lease.

**SECTION 2.** This act shall take effect and be in force from and after its passage.



**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2839**

**Description:** Tunica County; may enter into contracts to fund capital costs to extend natural gas services.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Three/Fifths

*Effective date:* Passage

*Chapter Number:* 904

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 02/13 | (S) | Referred To Local and Private             |
| 2  | 02/26 | (S) | Title Suff Do Pass                        |
| 3  | 02/28 | (S) | Passed {Vote}                             |
| 4  | 03/01 | (S) | Transmitted To House                      |
| 5  | 03/08 | (H) | Referred To Local and Private Legislation |
| 6  | 03/13 | (H) | Title Suff Do Pass                        |
| 7  | 03/14 | (H) | Passed {Vote}                             |
| 8  | 03/15 | (H) | Transmitted To Senate                     |
| 9  | 03/18 | (S) | Enrolled Bill Signed                      |
| 10 | 03/18 | (H) | Enrolled Bill Signed                      |
| 11 | 03/25 |     | Approved by Governor                      |

**----- Additional Information -----**

**Senate Committee:** Local and Private

**House Committee:** Local and Private Legislation

**Principal Author:** Jackson (11th)

**Title:** AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY, MISSISSIPPI, TO ENTER INTO APPROPRIATE BINDING CONTRACTS TO FUND THE CAPITAL COSTS NECESSARY TO EXTEND NATURAL GAS SERVICES TO THE WHITE OAK COMMUNITY AND THE CYPRESS VILLAGE COMMUNITY IN TUNICA COUNTY; AND FOR RELATED PURPOSES.



2013 GENERAL LAWS OF MISSISSIPPI SB 2839

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private

By: Senator(s) Jackson (11th)

**Senate Bill 2839**

(As Sent to Governor)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY, MISSISSIPPI, TO ENTER INTO APPROPRIATE BINDING CONTRACTS TO FUND THE CAPITAL COSTS NECESSARY TO EXTEND NATURAL GAS SERVICES TO THE WHITE OAK COMMUNITY AND THE CYPRESS VILLAGE COMMUNITY IN TUNICA COUNTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Board of Supervisors of Tunica County, Mississippi, is authorized and empowered, in its discretion, to enter into appropriate binding contracts to fund the capital costs necessary to extend natural gas services to the White Oak Community and the Cypress Village Community in Tunica County. The contract shall include a provision that requires Atmos Energy to seek authority to levy a fee in order to reimburse Tunica County over a period of years for capital cost that it pays as a result of such contract.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

**Mississippi Legislature  
2013 Regular Session**

**Senate Bill 2842**

**Description:** Lee County; authorize annual contributions to Sanctuary Hospice House.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law

*Deadline:* None

*Revenue:* No

*Vote type required:* Two/Thirds

*Effective date:* Passage

*Chapter Number:* 905

**History of Actions:**

- |    |       |     |   |
|----|-------|-----|---|
| 1  | 02/13 | (S) | Referred To Local and Private             |
| 2  | 02/26 | (S) | Title Suff Do Pass Comm Sub               |
| 3  | 02/28 | (S) | Committee Substitute Adopted              |
| 4  | 02/28 | (S) | Passed {Vote}                             |
| 5  | 03/01 | (S) | Transmitted To House                      |
| 6  | 03/08 | (H) | Referred To Local and Private Legislation |
| 7  | 03/13 | (H) | Title Suff Do Pass                        |
| 8  | 03/14 | (H) | Passed {Vote}                             |
| 9  | 03/15 | (H) | Transmitted To Senate                     |
| 10 | 03/18 | (S) | Enrolled Bill Signed                      |
| 11 | 03/18 | (H) | Enrolled Bill Signed                      |
| 12 | 03/25 |     | Approved by Governor                      |

**----- Additional Information -----**

**Senate Committee:** Local and Private

**House Committee:** Local and Private Legislation

**Principal Author:** Collins

**Title:** AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LEE COUNTY, MISSISSIPPI, TO CONTRIBUTE ANNUALLY TO THE SANCTUARY HOSPICE HOUSE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2842

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Local and Private  
By: Senator(s) Collins

**Senate Bill 2842**  
(As Sent to Governor)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LEE COUNTY, MISSISSIPPI, TO CONTRIBUTE ANNUALLY TO THE SANCTUARY HOSPICE HOUSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The Board of Supervisors of Lee County, Mississippi, is authorized and empowered, in its discretion, to contribute from any available funds an amount not to exceed Fifty Thousand Dollars (\$50,000.00) annually to the Sanctuary Hospice House.

(2) This section shall be repealed from and after July 1, 2015.

**SECTION 2.** This act shall take effect and be in force from and after its passage.



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